
By: **Delegates Kullen, Barve, Boschert, Conroy, Costa, Goldwater, Jameson,
Madaleno, McDonough, Murray, O'Donnell, Sossi, Walkup, and Wood**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes and Assisted Living Facilities - Suspicious or Unusual**
3 **Deaths - Notice or Report**

4 FOR the purpose of requiring certain persons required to provide a certain notice of
5 the death of certain individuals residing in a nursing home or an assisted living
6 facility that occurred in a suspicious or unusual manner to immediately provide
7 notice to a certain police or sheriff's department; providing that certain deaths
8 are not considered suspicious or unusual; establishing certain penalties;
9 establishing immunity from civil liability for certain persons under certain
10 circumstances; and generally relating to the required notice or reporting of
11 suspicious or unusual deaths in nursing homes and assisted living facilities.

12 BY renumbering

13 Article - Health - General
14 Section 19-1417
15 to be Section 19-1419
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2005 Supplement)

18 BY adding to

19 Article - Health - General
20 Section 19-1417, 19-1418, 19-1808, and 19-1809
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2005 Supplement)

23 BY adding to

24 Article - Courts and Judicial Proceedings
25 Section 5-642
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2005 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 19-1417 of Article - Health - General of the Annotated
3 Code of Maryland be renumbered to be Section(s) 19-1419.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Health - General**

7 19-1417.

8 (A) (1) A PERSON REQUIRED BY REGULATION TO PROVIDE NOTICE OF THE
9 DEATH OF AN INDIVIDUAL RESIDING IN A NURSING HOME THAT MAY HAVE
10 OCCURRED IN A SUSPICIOUS OR UNUSUAL MANNER SHALL IMMEDIATELY PROVIDE
11 THE NOTICE TO THE SHERIFF OR POLICE DEPARTMENT THAT HAS JURISDICTION
12 WHERE THE DEATH OCCURRED.

13 (2) A DEATH THAT OCCURS AS A RESULT OF A DECISION ABOUT A
14 LIFE-SUSTAINING PROCEDURE MADE IN ACCORDANCE WITH THE PROVISIONS OF
15 TITLE 5, SUBTITLE 6 OF THIS ARTICLE MAY NOT BE CONSIDERED A DEATH THAT
16 OCCURRED IN A SUSPICIOUS OR UNUSUAL MANNER.

17 (B) A PERSON WHO KNOWINGLY FAILS TO PROVIDE THE NOTICE REQUIRED
18 UNDER SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
19 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

20 19-1418.

21 ANY PERSON WHO MAKES OR PARTICIPATES IN MAKING A REPORT OF A DEATH
22 OF AN INDIVIDUAL RESIDING IN A NURSING HOME THAT MAY HAVE OCCURRED IN A
23 SUSPICIOUS OR UNUSUAL MANNER OR PARTICIPATES IN AN INVESTIGATION OF THE
24 DEATH OR A JUDICIAL PROCEEDING RELATED TO THE DEATH SHALL HAVE THE
25 IMMUNITY FROM CIVIL LIABILITY FOR MAKING THE REPORT AS DESCRIBED UNDER §
26 5-642 OF THE COURTS ARTICLE.

27 19-1808.

28 (A) (1) A PERSON REQUIRED BY REGULATION TO PROVIDE NOTICE OF THE
29 DEATH OF AN INDIVIDUAL RESIDING IN AN ASSISTED LIVING FACILITY THAT MAY
30 HAVE OCCURRED IN A SUSPICIOUS OR UNUSUAL MANNER SHALL IMMEDIATELY
31 PROVIDE THE NOTICE TO THE SHERIFF OR POLICE DEPARTMENT THAT HAS
32 JURISDICTION WHERE THE DEATH OCCURRED.

33 (2) A DEATH THAT OCCURS AS A RESULT OF A DECISION ABOUT A
34 LIFE-SUSTAINING PROCEDURE MADE IN ACCORDANCE WITH THE PROVISIONS OF
35 TITLE 5, SUBTITLE 6 OF THIS ARTICLE MAY NOT BE CONSIDERED A DEATH THAT
36 OCCURRED IN A SUSPICIOUS OR UNUSUAL MANNER.

1 (B) A PERSON WHO KNOWINGLY FAILS TO PROVIDE THE NOTICE REQUIRED
2 UNDER SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
3 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

4 19-1809.

5 A PERSON WHO MAKES OR PARTICIPATES IN MAKING A REPORT OF A DEATH OF
6 AN INDIVIDUAL RESIDING IN AN ASSISTED LIVING FACILITY THAT MAY HAVE
7 OCCURRED IN A SUSPICIOUS OR UNUSUAL MANNER OR PARTICIPATES IN AN
8 INVESTIGATION OF THE DEATH OR JUDICIAL PROCEEDING RELATED TO THE DEATH
9 SHALL HAVE THE IMMUNITY DESCRIBED UNDER § 5-642 OF THE COURTS ARTICLE
10 FROM CIVIL LIABILITY FOR MAKING THE REPORT.

11 **Article - Courts and Judicial Proceedings**

12 5-642.

13 A PERSON WHO IN GOOD FAITH PROVIDES NOTICE, MAKES A REPORT, OR
14 PARTICIPATES IN PROVIDING NOTICE OR MAKING A REPORT UNDER § 5-309, § 19-347,
15 AND TITLE 19, SUBTITLE 14 OF THE HEALTH - GENERAL ARTICLE OR PARTICIPATES
16 IN AN INVESTIGATION OR JUDICIAL PROCEEDING RESULTING FROM A REPORT
17 UNDER § 5-309, § 19-347, AND TITLE 19, SUBTITLE 14 OF THE HEALTH - GENERAL
18 ARTICLE IS IMMUNE FROM ANY CIVIL LIABILITY FOR THE ACT.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2006.