
By: **Delegate Kullen**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health - General - Residential Treatment Centers - Changes in Condition**

3 FOR the purpose of requiring certain residential treatment centers to notify certain
4 residents and certain representatives, family members, legal guardians, or
5 custodians of certain occurrences within a certain period of time; requiring
6 certain residential treatment centers to document certain notifications and
7 certain responses in certain medical records; requiring the Department of
8 Health and Mental Hygiene to require certain residential treatment centers to
9 notify certain residents and certain representatives, family members, legal
10 guardians, or custodians under certain circumstances; defining a certain term;
11 and generally relating to residential treatment centers.

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 19-301(p)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2005 Supplement)

17 BY adding to
18 Article - Health - General
19 Section 19-305
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2005 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Health - General**

25 19-301.

26 (p) "Residential treatment center" means a psychiatric institution that
27 provides campus-based intensive and extensive evaluation and treatment of children
28 and adolescents with severe and chronic emotional disturbances who require a

1 self-contained therapeutic, educational, and recreational program in a residential
2 setting.

3 19-305.

4 (A) IN THIS SECTION, "CHANGE IN CONDITION" MEANS A SIGNIFICANT
5 CHANGE IN A RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOLOGICAL STATUS
6 INCLUDING:

7 (1) LIFE-THREATENING CONDITIONS;

8 (2) CLINICAL COMPLICATIONS INCLUDING THE ONSET OF:

9 (I) AGGRESSIVE OR INAPPROPRIATE BEHAVIOR; OR

10 (II) SOMATIC SYMPTOMS;

11 (3) THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT
12 BECAUSE OF:

13 (I) ADVERSE CONSEQUENCES; OR

14 (II) THE NEED TO BEGIN A NEW FORM OF TREATMENT;

15 (4) EVALUATION OR ADMISSION TO A HOSPITAL;

16 (5) ACCIDENTS THAT RESULT IN INJURY HAVING THE POTENTIAL FOR
17 REQUIRING A PHYSICIAN'S INTERVENTION; AND

18 (6) THE USE OF RESTRAINT OR SECLUSION.

19 (B) WITHIN 24 HOURS, IN ACCORDANCE WITH STATE AND FEDERAL
20 CONFIDENTIALITY LAWS, A RESIDENTIAL TREATMENT CENTER SHALL NOTIFY A
21 RESIDENT AND A RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL
22 GUARDIAN, OR CUSTODIAN OF:

23 (1) A CHANGE IN CONDITION;

24 (2) AN ADVERSE EVENT THAT MAY RESULT IN A CHANGE IN CONDITION;

25 (3) AN OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED
26 CONSEQUENCE; OR

27 (4) CORRECTIVE ACTION, IF APPROPRIATE.

28 (C) A RESIDENTIAL TREATMENT CENTER SHALL DOCUMENT THE
29 NOTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION AND THE
30 RESPONSE OF THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE, FAMILY
31 MEMBER, LEGAL GUARDIAN, OR CUSTODIAN IN THE RESIDENT'S MEDICAL RECORD.

1 (D) IF THE DEPARTMENT DETERMINES THAT A RESIDENTIAL TREATMENT
2 CENTER FAILED TO NOTIFY A RESIDENT AND A RESIDENT'S REPRESENTATIVE,
3 FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN UNDER SUBSECTION (B) OF THIS
4 SECTION, THE DEPARTMENT SHALL REQUIRE THE RESIDENTIAL TREATMENT
5 CENTER, AS PART OF A PLAN OF CORRECTION, TO NOTIFY THE RESIDENT AND THE
6 RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN
7 AS SOON AS POSSIBLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.