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By: ~~Delegate Kullen~~ Delegates Kullen, Barve, Benson, Boteler, Bromwell, Costa, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kohl, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health - General - Residential Treatment Centers - ~~Changes in Condition~~**  
3 **Required Notice**

4 FOR the purpose of requiring certain residential treatment centers to notify certain  
5 residents and certain representatives, family members, legal guardians, or  
6 custodians of certain occurrences within a certain period of time; authorizing  
7 certain individuals to send a certain response to certain residential treatment  
8 centers waiving certain notification or requiring notification only under certain  
9 circumstances; requiring certain residential treatment centers to document  
10 certain notifications and certain responses in certain medical records; requiring  
11 the Department of Health and Mental Hygiene to require certain residential  
12 treatment centers to notify certain residents and certain representatives, family  
13 members, legal guardians, or custodians under certain circumstances; defining  
14 ~~a certain term~~ certain terms; and generally relating to residential treatment  
15 centers.

16 BY repealing and reenacting, without amendments,  
17 Article - Health - General  
18 Section 19-301(p)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2005 Supplement)

21 BY adding to  
22 Article - Health - General

1 Section 19-305  
 2 Annotated Code of Maryland  
 3 (2005 Replacement Volume and 2005 Supplement)

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

6 **Article - Health - General**

7 19-301.

8 (p) "Residential treatment center" means a psychiatric institution that  
 9 provides campus-based intensive and extensive evaluation and treatment of children  
 10 and adolescents with severe and chronic emotional disturbances who require a  
 11 self-contained therapeutic, educational, and recreational program in a residential  
 12 setting.

13 19-305.

14 (A) (1) IN THIS SECTION; THE FOLLOWING WORDS HAVE THE MEANINGS  
 15 INDICATED.

16 (2) "ADVERSE EVENT" MEANS AN UNEXPECTED OCCURRENCE THAT:

17 (I) IS RELATED TO A RESIDENT'S MEDICAL OR BEHAVIORAL  
 18 TREATMENT; AND

19 (II) IS NOT RELATED TO THE NATURAL COURSE OF THE RESIDENT'S  
 20 ILLNESS OR UNDERLYING DISEASE CONDITION.

21 (3) "CHANGE IN CONDITION" MEANS A SIGNIFICANT CHANGE IN A  
 22 RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOLOGICAL STATUS INCLUDING:

23 (⊕) (I) LIFE-THREATENING CONDITIONS;

24 (⊖) (II) CLINICAL COMPLICATIONS INCLUDING ~~THE ONSET OF:~~

25 (⊕) ~~AGGRESSIVE OR INAPPROPRIATE BEHAVIOR; OR~~

26 (⊕) SIGNIFICANT SOMATIC SYMPTOMS THAT REQUIRE THE  
 27 ASSESSMENT OF OR TREATMENT BY QUALIFIED MEDICAL PERSONNEL;

28 (⊖) (III) THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT  
 29 BECAUSE OF:

30 (⊕) 1. ADVERSE CONSEQUENCES; OR

31 (⊕) 2. THE NEED TO BEGIN A NEW FORM OF TREATMENT;

32 (⊕) (IV) EVALUATION AT OR ADMISSION TO A HOSPITAL;

1           ~~(5)~~    (V)    ~~ACCIDENTS THAT RESULT IN INJURY HAVING THE POTENTIAL~~  
 2 ~~FOR REQUIRING A PHYSICIAN'S INTERVENTION; AND INJURIES THAT REQUIRE THE~~  
 3 ~~ASSESSMENT OF OR TREATMENT BY QUALIFIED MEDICAL PERSONNEL;~~

4           ~~(6)~~    (VI)    ~~THE USE OF RESTRAINT OR SECLUSION; AND~~

5                   (VII)    ~~SUICIDE ATTEMPTS.~~

6       (B)    (1)    WITHIN 24 HOURS, IN ACCORDANCE WITH STATE AND FEDERAL  
 7 CONFIDENTIALITY LAWS, A RESIDENTIAL TREATMENT CENTER SHALL ATTEMPT TO  
 8 NOTIFY A RESIDENT AND A RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL  
 9 GUARDIAN, OR CUSTODIAN OF:

10           ~~(+)~~    (I)     A CHANGE IN CONDITION;

11           ~~(2)~~    (II)    AN ADVERSE EVENT ~~THAT MAY RESULT IN A CHANGE IN~~  
 12 ~~CONDITION; AND~~

13           ~~(3)~~    ~~AN OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED~~  
 14 ~~CONSEQUENCE; OR~~

15           ~~(4)~~    (III)   CORRECTIVE ACTION, IF APPROPRIATE.

16           (2)    IF A RESIDENTIAL TREATMENT CENTER SENDS A NOTICE TO AN  
 17 INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MAY  
 18 SEND A WRITTEN RESPONSE TO THE RESIDENTIAL TREATMENT CENTER  
 19 INSTRUCTING THE RESIDENTIAL TREATMENT CENTER THAT:

20                   (I)    THE INDIVIDUAL WAIVES THE NOTIFICATION REQUIRED  
 21 UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

22                   (II)   THE INDIVIDUAL ONLY REQUIRES NOTIFICATION UNDER THE  
 23 CIRCUMSTANCES SPECIFIED IN WRITING BY THE INDIVIDUAL.

24       (C)    A RESIDENTIAL TREATMENT CENTER SHALL DOCUMENT THE  
 25 NOTIFICATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION AND THE  
 26 RESPONSE OF THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE, FAMILY  
 27 MEMBER, LEGAL GUARDIAN, OR CUSTODIAN IN THE RESIDENT'S MEDICAL RECORD.

28       (D)    IF THE DEPARTMENT DETERMINES THAT A RESIDENTIAL TREATMENT  
 29 CENTER FAILED TO NOTIFY A RESIDENT AND A RESIDENT'S REPRESENTATIVE,  
 30 FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN UNDER SUBSECTION (B)(1) OF  
 31 THIS SECTION, THE DEPARTMENT SHALL REQUIRE THE RESIDENTIAL TREATMENT  
 32 CENTER, AS PART OF A PLAN OF CORRECTION, TO NOTIFY THE RESIDENT AND THE  
 33 RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN  
 34 AS SOON AS POSSIBLE.

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

