

ENROLLED BILL

-- Finance/Health and Government Operations --

Introduced by ~~Senator Della~~ **Senators Della, Middleton, Astle, Exum,
Gladden, Hafer, Hooper, Kelley, Klausmeier, and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 notice to a residential treatment center declining
8 certain notification or specifying certain circumstances under which notification
9 is required certain response to certain residential treatment centers waiving
10 certain notification or requiring notification only under certain circumstances;
11 requiring certain residential treatment centers to document certain
12 notifications and certain responses in certain medical records; requiring the
13 Department of Health and Mental Hygiene to require certain residential
14 treatment centers to notify certain residents and certain representatives, family
15 members, legal guardians, or custodians under certain circumstances; defining
16 ~~a certain term~~ certain terms; and generally relating to residential treatment

1 centers.

2 BY repealing and reenacting, without amendments,
 3 Article - Health - General
 4 Section 19-301(p)
 5 Annotated Code of Maryland
 6 (2005 Replacement Volume and 2005 Supplement)

7 BY adding to
 8 Article - Health - General
 9 Section 19-305
 10 Annotated Code of Maryland
 11 (2005 Replacement Volume and 2005 Supplement)

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

14 **Article - Health - General**

15 19-301.

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

21 19-305.

22 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 23 INDICATED.

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

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

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

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

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

32 (⊕) (II) CLINICAL COMPLICATIONS INCLUDING ~~THE ONSET OF:~~

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

1 ~~(H)~~ SIGNIFICANT SOMATIC SYMPTOMS THAT REQUIRE THE
2 ASSESSMENT OF OR TREATMENT BY QUALIFIED MEDICAL PERSONNEL;

3 ~~(3)~~ ~~(III)~~ THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT
4 BECAUSE OF:

5 ~~(H)~~ 1. ADVERSE CONSEQUENCES; OR

6 ~~(H)~~ 2. THE NEED TO BEGIN A NEW FORM OF TREATMENT;

7 ~~(H)~~ ~~(IV)~~ EVALUATION AT OR ADMISSION TO A HOSPITAL;

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

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

12 ~~(7)~~ ~~(VII)~~ SUICIDE ATTEMPTS.

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

17 ~~(H)~~ (I) A CHANGE IN CONDITION;

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

20 ~~(3)~~ ~~(III)~~ ~~AN OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED~~
21 ~~CONSEQUENCE THAT REQUIRES THE ASSESSMENT OF OR TREATMENT BY~~
22 ~~QUALIFIED MEDICAL PERSONNEL; OR~~

23 ~~(4)~~ ~~(IV)~~ ~~(III)~~ CORRECTIVE ACTION, IF APPROPRIATE.

24 (2) IF A RESIDENTIAL TREATMENT CENTER SENDS A NOTICE TO AN
25 INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MAY
26 SEND A WRITTEN NOTICE RESPONSE TO THE RESIDENTIAL TREATMENT CENTER
27 INSTRUCTING THE RESIDENTIAL TREATMENT CENTER THAT:

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

30 (II) THE INDIVIDUAL ONLY REQUIRES NOTIFICATION IN THE
31 CIRCUMSTANCES SPECIFIED IN WRITING BY THE INDIVIDUAL.

32 (C) A RESIDENTIAL TREATMENT CENTER SHALL DOCUMENT THE
33 NOTIFICATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION AND THE
34 RESPONSE OF THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE, FAMILY
35 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)(1) OF
4 THIS 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.