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

Introduced and read first time: January 30, 2006

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2006

CHAPTER _____

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; authorizing
 6 certain individuals to send a notice to a residential treatment center declining
 7 certain notification or specifying certain circumstances under which notification
 8 is required; requiring certain residential treatment centers to document certain
 9 notifications and certain responses in certain medical records; requiring the
 10 Department of Health and Mental Hygiene to require certain residential
 11 treatment centers to notify certain residents and certain representatives, family
 12 members, legal guardians, or custodians under certain circumstances; defining
 13 a certain term; and generally relating to residential treatment centers.

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

19 BY adding to
 20 Article - Health - General
 21 Section 19-305
 22 Annotated Code of Maryland
 23 (2005 Replacement Volume and 2005 Supplement)

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

3 **Article - Health - General**

4 19-301.

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

10 19-305.

11 (A) IN THIS SECTION, "CHANGE IN CONDITION" MEANS A SIGNIFICANT
12 CHANGE IN A RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOLOGICAL STATUS
13 INCLUDING:

14 (1) LIFE-THREATENING CONDITIONS;

15 (2) CLINICAL COMPLICATIONS INCLUDING ~~THE ONSET OF:~~

16 ~~(H) AGGRESSIVE OR INAPPROPRIATE BEHAVIOR; OR~~

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

19 (3) THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT
20 BECAUSE OF:

21 (I) ADVERSE CONSEQUENCES; OR

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

23 (4) EVALUATION OR ADMISSION TO A HOSPITAL;

24 (5) ACCIDENTS THAT RESULT IN INJURY ~~HAVING THE POTENTIAL FOR~~
25 ~~REQUIRING A PHYSICIAN'S INTERVENTION; AND THAT REQUIRE THE ASSESSMENT~~
26 ~~OF OR TREATMENT BY QUALIFIED MEDICAL PERSONNEL;~~

27 (6) THE USE OF RESTRAINT OR SECLUSION; AND

28 (7) SUICIDE ATTEMPTS.

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

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

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

3 (3) (III) AN OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED
4 CONSEQUENCE THAT REQUIRES THE ASSESSMENT OF OR TREATMENT BY
5 QUALIFIED MEDICAL PERSONNEL; OR

6 (4) (IV) CORRECTIVE ACTION, IF APPROPRIATE.

7 (2) IF A RESIDENTIAL TREATMENT CENTER SENDS A NOTICE TO AN
8 INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MAY
9 SEND A WRITTEN NOTICE TO THE RESIDENTIAL TREATMENT CENTER INSTRUCTING
10 THE RESIDENTIAL TREATMENT CENTER THAT:

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

13 (II) THE INDIVIDUAL ONLY REQUIRES NOTIFICATION IN THE
14 CIRCUMSTANCES SPECIFIED IN WRITING BY THE INDIVIDUAL.

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

19 (D) IF THE DEPARTMENT DETERMINES THAT A RESIDENTIAL TREATMENT
20 CENTER FAILED TO NOTIFY A RESIDENT AND A RESIDENT'S REPRESENTATIVE,
21 FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN UNDER SUBSECTION (B) OF THIS
22 SECTION, THE DEPARTMENT SHALL REQUIRE THE RESIDENTIAL TREATMENT
23 CENTER, AS PART OF A PLAN OF CORRECTION, TO NOTIFY THE RESIDENT AND THE
24 RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN
25 AS SOON AS POSSIBLE.

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