

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1286

(Delegate Kullen, *et al.*)

Health and Government Operations

Finance

Health - General - Residential Treatment Centers - Required Notice

This bill sets notification requirements for specified occurrences for a resident of a residential treatment center and a resident's representative, family member, legal guardian, or custodian.

Fiscal Summary

State Effect: None. The change is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Within 24 hours, according to federal and State confidentiality laws, a residential treatment center must attempt to notify a resident and a resident's representative, family member, legal guardian, or custodian of: a change in condition; an adverse event; and a corrective action, if appropriate. An "adverse event" is an unexpected occurrence that is related to a resident's medical or behavioral treatment and is not related to the natural course of the resident's illness or underlying disease condition.

The bill defines "change in condition" as a significant change in a resident's physical, mental, or psychological status including:

- life-threatening conditions;
- clinical complications including significant somatic symptoms that require the assessment of or treatment by qualified medical personnel;
- the need to discontinue a medication or treatment because of adverse consequences or the need to begin a new form of treatment;
- evaluation at or admission to a hospital;
- injuries that require the assessment of or treatment by qualified medical personnel;
- the use of restraint or seclusion; and
- suicide attempts.

If a residential treatment center sends a notice to an individual, the individual may send a written response to the center instructing the center that the individual waives the required notification or the individual only requires notification under circumstances specified in writing by the individual.

A residential treatment center must document the notification required and the response of the resident and the resident's representative, family member, legal guardian, or custodian in the resident's medical record. If the Department of Health and Mental Hygiene (DHMH) determines that a residential treatment center failed to notify the required individuals, DHMH must require the center, as part of a plan of correction, to notify the required individuals as soon as possible.

Current Law: A residential treatment center is defined in statute as a psychiatric institution that provides campus-based intensive and extensive evaluation and treatment of children and adolescents with severe and chronic emotional disturbances who require a self-contained therapeutic, educational, and recreational program in a residential setting.

The Secretary of Health and Mental Hygiene must adopt reasonable rules and regulations that set service standards for nonaccredited residential treatment centers in the following areas: the care of patients; the medical supervision of patients; the physical environment; disease control; sanitation; safety; and dietary matters. Nonaccredited residential treatment centers are those not accredited by the Joint Commission on Accreditation of Healthcare Organizations.

Statute allows for DHMH to inspect both accredited and nonaccredited residential treatment centers.

Additional Information

Prior Introductions: None.

Cross File: SB 375 (Senator Della) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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