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9lr2667 CF SB 493

#### By: Delegate Hubbard Delegates Hubbard, Montgomery, and V. Turner

Introduced and read first time: February 2, 2009 Assigned to: Health and Government Operations

Committee Report: Favorable with amendments House action: Adopted Read second time: February 25, 2009

## CHAPTER \_\_\_\_\_

## 1 AN ACT concerning

# 2 Mental Health Programs and Facilities – Reports of Death

3 FOR the purpose of defining the term "program or facility" so as to restrict the 4 application of certain reporting requirements regarding the death of certain individuals to certain mental health programs and facilities; altering a certain  $\mathbf{5}$ 6 reporting requirement regarding the location of the body; specifying that certain 7 programs or facilities are required to submit only one report of death; requiring 8 the administrative head of certain nonresidential psychiatric rehabilitation 9 programs to make reports of death by a certain time; and generally relating to 10 reports of death by mental health programs and facilities.

- 11 BY repealing and reenacting, with amendments,
- 12 Article Health General
- 13 Section 10–714
- 14 Annotated Code of Maryland
- 15 (2005 Replacement Volume and 2008 Supplement)

16	SECTION	1.	BE	IT	ENACTED	BY	THE	GENERAL	ASSEMBLY	OF
17	MARYLAND, Tha	at th	ne La	ws o	f Maryland re	ead a	s follov	vs:		

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### Article – Health – General

19 10–714.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. <u>Strike out</u> indicates matter stricken from the bill by amendment or deleted from the law by amendment.

$1 \\ 2 \\ 3$	INPATIENT OR RE	ESID	ENTIAL	CTION, "PROGRAM OR FACILITY" MEANS AN TREATMENT SETTING, RESIDENTIAL CRISIS SIDENTIAL REHABILITATION PROGRAM.
4 5 6	[(1)] (2) funded or operated p facility shall report th	progr	am or :	otification of the death of an individual in a State facility, the administrative head of the program or
7 8	(i) official in the jurisdic			ately to the sheriff, police, or chief law enforcement a the death occurred;
9	(ii	i)	Immedi	ately to the Secretary; and
10	(ii	ii)	By the o	lose of business of the next working day to:
11			1. T	he Director;
$\begin{array}{c} 12\\ 13 \end{array}$	occurred; and		2. T	he health officer in the jurisdiction where the death
14			3. T	he designated State protection and advocacy system.
15	<b>[</b> (2) <b>] (3)</b>		An initi	al report:
16	(i)	)	May be:	
17 18	days from the date of	the o		ral if followed by a written report within 5 working
19			2. V	/ritten;
20	(ii	i)	Shall co	ntain the following relevant information:
21			1. T	he name, age, and sex of the deceased;
22			2. T	he time of discovery of the death;
23			3. T	he deceased's place of residence at the time of death;
$\begin{array}{c} 24 \\ 25 \end{array}$	residence of the decea			If the death occurred in a place other than the IE location of the body at the time of discovery;
26			5. T	he place where the body was found;
27			6. T	he name of the person who took custody of the body;

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$\frac{1}{2}$	known;	7.	The name of the person evaluating the death, if			
$\frac{3}{4}$	known; and	8.	Whether or not an autopsy is being performed, if			
5 6	of kin or legal guardian,	9. if knov	The name, address, and telephone number of the next vn; and			
7 8 9	-	s shoul	contain any other information the administrative head d be provided to the medical examiner and the persons ubsection on the deaths occurring:			
10		1.	By violence;			
11		2.	By suicide;			
12		3.	By casualty;			
$\begin{array}{c} 13\\14 \end{array}$	health; or	4.	Suddenly, if the deceased was in apparent good			
15		5.	In any suspicious or unusual manner.			
16 17 18	C C	isdictio	written report shall be available for the Director, the on where the death occurred, and the designated State in within 5 working days from the date of the death.			
19 20 21 22	0 OPERATES MORE THAN ONE TREATMENT PROGRAM AND WHERE THE DECEASED 1 INDIVIDUAL ATTENDED MORE THAN ONE TREATMENT PROGRAM, THE FACILITY					
23 24 25 26	[(b)] (6) The sheriff, police, or chief law enforcement officer shall inform the medical examiner in accordance with § $5-309(b)$ of this article and the medical examiner, if necessary, shall conduct an investigation in accordance with the provisions of that section.					
27 28 29 30	REHABILITATION PROGRAM, THE ADMINISTRATIVE HEAD OF THE PROGRAM SHALL REPORT THE DEATH TO THE DIRECTOR BY THE CLOSE OF BUSINESS OF					

31 (c) (1) The Director shall compile annually a status report for the 32 Secretary on patient deaths reported under this subtitle.

(2) At a minimum, the status report shall note:

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1		(i)	The number of deaths;
2		(ii)	The location of each death;
3		(iii)	The cause of each death, if known; and
4 5	status report.	(iv)	Other data the Secretary determines to be relevant to the
$6 \\ 7$	SECTION 2 October 1, 2009.	2. AND	BE IT FURTHER ENACTED, That this Act shall take effect

Approved:

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Governor.

Speaker of the House of Delegates.

President of the Senate.