

SENATE BILL 493

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9lr1985
CF HB 412

By: **Senators Kelley, Klausmeier, and Middleton**

Introduced and read first time: February 4, 2009

Assigned to: Finance

A BILL ENTITLED

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
5 individuals to certain mental health programs and facilities; altering a certain
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, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 10–714.

20 (a) **(1) IN THIS SECTION, “PROGRAM OR FACILITY” MEANS AN**
21 **INPATIENT OR RESIDENTIAL TREATMENT SETTING, RESIDENTIAL CRISIS**
22 **SERVICE, GROUP HOME, OR RESIDENTIAL REHABILITATION PROGRAM.**

23 **[(1)] (2)** Upon notification of the death of an individual in a State
24 funded or operated program or facility, the administrative head of the program or
25 facility shall report the death:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Immediately to the sheriff, police, or chief law enforcement
2 official in the jurisdiction in which the death occurred;

3 (ii) Immediately to the Secretary; and

4 (iii) By the close of business of the next working day to:

5 1. The Director;

6 2. The health officer in the jurisdiction where the death
7 occurred; and

8 3. The designated State protection and advocacy system.

9 [(2)] (3) An initial report:

10 (i) May be:

11 1. Oral if followed by a written report within 5 working
12 days from the date of the death; or

13 2. Written;

14 (ii) Shall contain the following relevant information:

15 1. The name, age, and sex of the deceased;

16 2. The time of discovery of the death;

17 3. The deceased's place of residence at the time of death;

18 4. [If the death occurred in a place other than the
19 residence of the deceased, the] **THE** location of the body at the time of discovery;

20 5. The place where the body was found;

21 6. The name of the person who took custody of the body;

22 7. The name of the person evaluating the death, if
23 known;

24 8. Whether or not an autopsy is being performed, if
25 known; and

26 9. The name, address, and telephone number of the next
27 of kin or legal guardian, if known; and

1 (iii) Shall contain any other information the administrative head
2 of the facility determines should be provided to the medical examiner and the persons
3 listed in paragraph (1) of this subsection on the deaths occurring:

- 4 1. By violence;
- 5 2. By suicide;
- 6 3. By casualty;
- 7 4. Suddenly, if the deceased was in apparent good
8 health; or
- 9 5. In any suspicious or unusual manner.

10 [(3)] (4) The written report shall be available for the Director, the
11 health officer in the jurisdiction where the death occurred, and the designated State
12 protection and advocacy system within 5 working days from the date of the death.

13 (5) **IF THE DEATH OCCURRED IN A PROGRAM OR FACILITY THAT**
14 **OPERATES MORE THAN ONE TREATMENT PROGRAM AND WHERE THE DECEASED**
15 **INDIVIDUAL ATTENDED MORE THAN ONE TREATMENT PROGRAM, THE FACILITY**
16 **IS REQUIRED TO MAKE ONLY ONE REPORT.**

17 [(b)] (6) The sheriff, police, or chief law enforcement officer shall inform the
18 medical examiner in accordance with § 5-309(b) of this article and the medical
19 examiner, if necessary, shall conduct an investigation in accordance with the
20 provisions of that section.

21 (B) **IF THE DEATH OCCURRED IN A NONRESIDENTIAL PSYCHIATRIC**
22 **REHABILITATION PROGRAM, THE ADMINISTRATIVE HEAD OF THE PROGRAM**
23 **SHALL REPORT THE DEATH TO THE DIRECTOR BY THE CLOSE OF BUSINESS OF**
24 **THE NEXT WORKING DAY.**

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

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

- 28 (i) The number of deaths;
- 29 (ii) The location of each death;
- 30 (iii) The cause of each death, if known; and

1 (iv) Other data the Secretary determines to be relevant to the
2 status report.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.