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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

Committee Report: Favorable Senate action: Adopted Read second time: March 4, 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  $\mathbf{5}$ 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, Tha	at th	ne La	ws o	f Maryland re	ead a	s follow	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.



$1 \\ 2 \\ 3$		RESII	DENTL	SECTION, "PROGRAM OR FACILITY" MEANS AN AL TREATMENT SETTING, RESIDENTIAL CRISIS RESIDENTIAL REHABILITATION PROGRAM.
4 5 6	[(1)] ( funded or operate facility shall report	d prog	gram o	notification of the death of an individual in a State or facility, the administrative head of the program or
7 8	official in the jurise	(i) diction		ediately to the sheriff, police, or chief law enforcement ich the death occurred;
9		(ii)	Imme	ediately to the Secretary; and
10		(iii)	By th	e close of business of the next working day to:
11			1.	The Director;
$\begin{array}{c} 12\\ 13 \end{array}$	occurred; and		2.	The health officer in the jurisdiction where the death
14			3.	The designated State protection and advocacy system.
15	[(2)] (	(3)	An in	itial report:
16		(i)	May	be:
17 18	days from the date	of the	1. death	Oral if followed by a written report within 5 working ; or
19			2.	Written;
20		(ii)	Shall	contain the following relevant information:
21			1.	The name, age, and sex of the deceased;
22			2.	The time of discovery of the death;
23			3.	The deceased's place of residence at the time of death;
$\begin{array}{c} 24\\ 25 \end{array}$	residence of the de	ceased	4. l, the] '	[If the death occurred in a place other than the <b>THE</b> location of the body at the time of discovery;
26			5.	The place where the body was found;
27			6.	The name of the person who took custody of the body;

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$rac{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	(iii) Shall contain any other information the administrative head of the facility determines should be provided to the medical examiner and the persons listed in paragraph (1) of this subsection 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	[(3)] (4) The written report shall be available for the Director, the health officer in the jurisdiction where the death occurred, and the designated State protection and advocacy system 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	<b>REHABILITATION PRO</b>	GRAM EATH '	OCCURRED IN A NONRESIDENTIAL PSYCHIATRIC , THE ADMINISTRATIVE HEAD OF THE PROGRAM 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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T		(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	SECTION	2. ANE	BE IT FURTHER ENACTED, That this Act shall take effect

7 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.