

CHAPTER 75

(House Bill 412)

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

FOR the purpose of defining the term “program or facility” so as to restrict the application of certain reporting requirements regarding the death of certain individuals to certain mental health programs and facilities; altering a certain reporting requirement regarding the location of the body; specifying that certain programs or facilities are required to submit only one report of death; requiring the administrative head of certain nonresidential psychiatric rehabilitation programs to make reports of death by a certain time; and generally relating to reports of death by mental health programs and facilities.

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

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

Article – Health – General

10–714.

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

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

- (i) Immediately to the sheriff, police, or chief law enforcement official in the jurisdiction in which the death occurred;
- (ii) Immediately to the Secretary; and
- (iii) By the close of business of the next working day to:

- occurred; and
1. The Director;
 2. The health officer in the jurisdiction where the death occurred; and
 3. The designated State protection and advocacy system.

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

(i) May be:

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

2. Written;

(ii) Shall contain the following relevant information:

1. The name, age, and sex of the deceased;
2. The time of discovery of the death;
3. The deceased's place of residence at the time of death;
4. [If the death occurred in a place other than the residence of the deceased, the] **THE** location of the body at the time of discovery;
5. The place where the body was found;
6. The name of the person who took custody of the body;
7. The name of the person evaluating the death, if known;
8. Whether or not an autopsy is being performed, if known; and
9. The name, address, and telephone number of the next of kin or legal guardian, if known; and

(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:

1. By violence;

2. By suicide;
3. By casualty;
4. Suddenly, if the deceased was in apparent good health; or
5. In any suspicious or unusual manner.

[(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.

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

[(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.

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

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

- (2) At a minimum, the status report shall note:
 - (i) The number of deaths;
 - (ii) The location of each death;
 - (iii) The cause of each death, if known; and
 - (iv) Other data the Secretary determines to be relevant to the status report.

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

Approved by the Governor, April 14, 2009.