

HOUSE BILL 462

J1
HB 1060/19 – HGO

1lr1950

By: **Delegate Washington**

Introduced and read first time: January 15, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Rehabilitation Programs – Reporting of Critical Incidents**

3 FOR the purpose of requiring the Secretary of Health to provide the address of a residential
4 rehabilitation program to certain entities within a certain time period before issuing
5 a certain license; requiring the administrative head of a residential rehabilitation
6 program to report a certain critical incident to certain entities within a certain time
7 period after receiving certain notification; requiring a certain local behavioral health
8 authority to conduct a certain assessment and evaluation within a certain time
9 period after receiving a certain report; defining certain terms; and generally relating
10 to critical incidents at residential rehabilitation programs.

11 BY adding to
12 Article – Health – General
13 Section 10–714
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2020 Supplement)

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

18 **Article – Health – General**

19 **10–714.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “CRITICAL INCIDENT” INCLUDES:

23 (I) THE DEATH OF A PROGRAM PARTICIPANT;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(II) A LIFE-THREATENING INJURY TO A PROGRAM PARTICIPANT;

(III) NONCONSENSUAL SEXUAL ACTIVITY, AS PROHIBITED IN COMAR 10.01.18;

(IV) ANY SEXUAL ACTIVITY BETWEEN A STAFF MEMBER OF A RESIDENTIAL REHABILITATION PROGRAM AND A PROGRAM PARTICIPANT; AND

(V) THE EVACUATION OF A BUILDING, IF THE EVACUATION DISRUPTS THE OPERATIONS OF A RESIDENTIAL REHABILITATION PROGRAM.

(3) "RESIDENTIAL REHABILITATION PROGRAM" MEANS A PROGRAM LICENSED IN ACCORDANCE WITH COMAR 10.63.04.05.

(B) AT LEAST 14 DAYS BEFORE ISSUING A LICENSE TO A RESIDENTIAL REHABILITATION PROGRAM, THE SECRETARY SHALL PROVIDE THE ADDRESS OF THE RESIDENTIAL REHABILITATION PROGRAM TO THE LOCAL HEALTH DEPARTMENT, DEPARTMENT OF SOCIAL SERVICES, LOCAL BEHAVIORAL HEALTH AUTHORITY, AND LAW ENFORCEMENT AGENCY FOR THE COUNTY IN WHICH THE RESIDENTIAL REHABILITATION PROGRAM IS LOCATED.

(C) WITHIN 24 HOURS AFTER RECEIVING NOTIFICATION OF A CRITICAL INCIDENT IN A RESIDENTIAL REHABILITATION PROGRAM, THE ADMINISTRATIVE HEAD OF THE RESIDENTIAL REHABILITATION PROGRAM SHALL REPORT THE CRITICAL INCIDENT TO:

(1) THE SECRETARY; AND

(2) THE LOCAL HEALTH DEPARTMENT, DEPARTMENT OF SOCIAL SERVICES, LOCAL BEHAVIORAL HEALTH AUTHORITY, AND LAW ENFORCEMENT AGENCY FOR THE COUNTY IN WHICH THE RESIDENTIAL REHABILITATION PROGRAM IS LOCATED.

(D) WITHIN 14 DAYS AFTER RECEIVING A REPORT OF A CRITICAL INCIDENT, THE LOCAL BEHAVIORAL HEALTH AUTHORITY FOR THE COUNTY IN WHICH THE RESIDENTIAL REHABILITATION PROGRAM IS LOCATED SHALL CONDUCT AN ASSESSMENT OF THE PROPERTY OF THE RESIDENTIAL REHABILITATION PROGRAM AND AN EVALUATION OF THE CRITICAL INCIDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.