

AN ACT concerning

Mentally Retarded Persons - Bill of Rights

FOR the purpose of establishing the rights of mentally retarded persons who receive any service in certain programs or facilities of the Department of Health and Mental Hygiene.

BY repealing and reenacting, with amendments,

Article 59A - Mental Retardation  
Section 34  
Annotated Code of Maryland  
(1979 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 59A - Mental Retardation

34.

[(a) Every mentally retarded person in any facility licensed by or under the jurisdiction of the Administration shall at all reasonable times:]

(A) IT IS THE POLICY OF THIS STATE THAT EACH MENTALLY RETARDED PERSON WHO RECEIVES ANY SERVICE IN A PROGRAM OR FACILITY OPERATED BY, LICENSED BY, OR FULLY OR PARTIALLY FUNDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSES OF CARE OR TRAINING OF MENTALLY RETARDED PERSONS HAS, IN ADDITION TO ANY OTHER RIGHTS, THE FOLLOWING BASIC RIGHTS:

(1) THE RIGHT TO BE TREATED WITH COURTESY, RESPECT, AND FULL RECOGNITION OF THEIR HUMAN DIGNITY AND INDIVIDUALITY;

(2) THE RIGHT TO RECEIVE CARE, TREATMENT, AND SERVICES IN THE LEAST RESTRICTIVE AVAILABLE ENVIRONMENT WHICH IS ADEQUATE, APPROPRIATE, AND IN COMPLIANCE WITH RELEVANT FEDERAL AND STATE LAWS AND REGULATIONS;

(3) THE RIGHT TO BE FREE FREE FROM MENTAL AND PHYSICAL ABUSE;

(4) THE RIGHT TO BE FREE FROM PHYSICAL AND CHEMICAL RESTRAINTS, EXCEPT THAT MINIMAL RESTRAINTS AUTHORIZED IN WRITING BY A PHYSICIAN ACCORDING TO CLEAR AND INDICATED MEDICAL NEED MUST BE MADE PART OF THE MENTALLY RETARDED PERSON'S PERMANENT RECORD;

(5) THE RIGHT TO RECEIVE RESPECT AND PRIVACY IN INDIVIDUALLY DEVELOPED PROGRAMS.