

Article - Health - General

10-101.

(e) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, "Facility" means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

(2) "Facility" does not include a Veterans' Administration hospital OR AN ACUTE GENERAL CARE HOSPITAL THAT DOES NOT HAVE A SEPARATELY IDENTIFIED INPATIENT PSYCHIATRIC SERVICE.

Subtitle 7. Rights of MENTALLY ILL
Individuals in Facilities

10-701.

(A) IN THIS SUBTITLE "FACILITY" DOES NOT INCLUDE AN ACUTE GENERAL CARE HOSPITAL THAT DOES NOT HAVE A SEPARATELY IDENTIFIED INPATIENT PSYCHIATRIC SERVICE.

~~(A)~~ (B) IT IS THE POLICY OF THIS STATE THAT EACH MENTALLY ILL INDIVIDUAL WHO RECEIVES ANY SERVICE IN A FACILITY HAS, IN ADDITION TO ANY OTHER RIGHTS, THE RIGHTS PROVIDED IN THIS SUBTITLE.

~~(B)~~ (C) EACH INDIVIDUAL IN A FACILITY SHALL:

(1) RECEIVE APPROPRIATE HUMANE TREATMENT AND SERVICES IN A MANNER THAT RESTRICTS THE INDIVIDUAL'S PERSONAL LIBERTY IN A FACILITY ONLY TO THE EXTENT NECESSARY AND CONSISTENT WITH THE INDIVIDUAL'S TREATMENT NEEDS AND APPLICABLE LEGAL REQUIREMENTS;

(2) RECEIVE TREATMENT IN ACCORDANCE WITH THE INDIVIDUALIZED TREATMENT PLAN PROVIDED FOR IN § 10-707 OF THIS SUBTITLE;

~~(3) BE FREE FROM NONTHERAPEUTIC PHYSICAL OR CHEMICAL RESTRAINTS OR SECLUSIONS EXCEPT FOR RESTRAINTS OR SECLUSIONS THAT ARE:~~

~~(i) USED ONLY DURING AN EMERGENCY WHERE THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR OF OTHERS; AND~~

~~(ii) ORDERED BY A PHYSICIAN VERBALLY OR IN WRITING AS PART OF A MODE OR COURSE OF TREATMENT; OR~~

~~(iii) ADMINISTERED BY A REGISTERED NURSE IF A PHYSICIAN'S ORDER IS OBTAINED WITHIN 2 HOURS OF THE ACTION.~~

(3) BE FREE FROM RESTRAINTS OR SECLUSIONS EXCEPT FOR RESTRAINTS OR SECLUSIONS THAT ARE: