

Article - Health - General

Section 19-361 through 19-367, inclusive, to be under the new part "Part VIII. Intermediate Sanction"

Annotated Code of Maryland
(1982 Volume and 1983 Supplement)

Preamble

WHEREAS, The purpose of this Act is to provide an intermediate sanction that addresses conditions in related institutions of significantly greater concern than those normally addressed, conditions that are not life-threatening in nature, but which, if left uncorrected, would endanger the life, health, or safety of patients; and

WHEREAS, It is expected that imposition of the intermediate sanctions authorized under this Act will only be necessary when a related institution is unwilling or incapable of correcting a hazardous condition; now, therefore,

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

Article - Health - General

PART VIII. INTERMEDIATE SANCTION

19-361.

(A) IN PART VIII OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "HAZARDOUS CONDITION" MEANS A CONDITION EXISTING IN A RELATED INSTITUTION THAT DOES NOT CONSTITUTE A LIFE-THREATENING, HEALTH, OR FIRE SAFETY DEFICIENCY, AS DESCRIBED IN § 19-328 OF THE HEALTH - GENERAL ARTICLE, BUT WHICH IS A VIOLATION OF DEPARTMENTAL REGULATIONS WHICH IS LIKELY TO ENDANGER THE HEALTH, LIFE, OR SAFETY OF PATIENTS.

(C) "INTERMEDIATE SANCTION" MEANS THE ESTABLISHMENT OF AN ESCROW ACCOUNT BY A RELATED INSTITUTION.

19-362.

(A) (1) AN INTERMEDIATE SANCTION MAY BE IMPOSED CONSISTENT WITH THIS SECTION WHEN A HAZARDOUS CONDITION EXISTS IN A RELATED INSTITUTION AND THAT CONDITION IS NOT REMEDIED PURSUANT TO THE FOLLOWING SECTIONS.

(2) IN DETERMINING WHETHER A HAZARDOUS CONDITION EXISTS, THE FOLLOWING FACTORS SHALL BE CONSIDERED:

(1) THE POTENTIAL IMPACT OF THE CONDITION ON THE HEALTH, LIFE, OR SAFETY OF PATIENTS;