

BY repealing and reenacting, with amendments,

Article - Health - General
Section 10-701(e) (a) and (c)
Annotated Code of Maryland
(1982 Volume and 1985 Supplement)

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

Article - Health - General

10-701.

(a) (1) In this subtitle ["facility"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FACILITY" does not include an acute general care hospital that does not have a separately identified inpatient psychiatric service.

(3) (I) "MENTAL ABUSE" MEANS ANY PERSISTENT COURSE OF CONDUCT RESULTING IN OR MALICIOUSLY INTENDED TO PRODUCE EMOTIONAL HARM.

(II) "MENTAL ABUSE" DOES NOT INCLUDE THE PERFORMANCE OF AN ACCEPTED CLINICAL PROCEDURE.

(c) Each individual in a facility shall:

(1) Receive appropriate humane treatment and services in a manner that restricts the individual's personal liberty within 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 applicable individualized plan of rehabilitation or the individualized treatment plan provided for in § 10-706 of this subtitle;

(3) Be free from restraints or locked door seclusions except for restraints or locked door seclusions that are:

(i) 1. Used only during an emergency where the individual presents a danger to the life or safety of the individual or of others; or

2. Used only to prevent serious disruption to the therapeutic environment; and

(ii) 1. Ordered by a physician in writing; or