

§109. Committee for the oversight of patient human rights

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Health and Human Services. [PL 2019, c. 405, §2 (NEW).]

B. "Committee" means a committee at a state institution that has responsibility for overseeing patients in a state institution or forensic patients placed in institutions outside the State. [PL 2019, c. 405, §2 (NEW).]

C. "Department" means the Department of Health and Human Services. [PL 2019, c. 405, §2 (NEW).]

D. "State institution" has the same meaning as in Title 34-B, section 1001, subsection 8. [PL 2019, c. 405, §2 (NEW).]

E. "Superintendent" means the chief administrative officer of a state institution. [PL 2019, c. 405, §2 (NEW).]

[PL 2019, c. 405, §2 (NEW).]

2. Committee convened. The commissioner shall convene a committee in each state institution. [PL 2019, c. 405, §2 (NEW).]

3. Duties. The duties of the committee include, but are not limited to:

A. Reviewing practices that affect, or potentially affect, the civil liberties or other rights of patients; [PL 2019, c. 405, §2 (NEW).]

B. Reviewing, investigating and seeking resolution of patient grievances; [PL 2019, c. 405, §2 (NEW).]

C. For forensic patients placed outside the State pursuant to section 103:

(1) Reviewing reports submitted to the commissioner by the state institution pursuant to section 104-A, subsection 1 and provided to the committee by the superintendent pursuant to subsection 4;

(2) Reviewing medical records or other records at the request of the patient or the patient's guardian if the patient who is the subject of the review or the patient's guardian has provided informed, written consent; and

(3) Receiving verbal reports at least twice per year from the superintendent of the state institution monitoring the person's placement outside the State; [RR 2021, c. 2, Pt. A, §32 (COR).]

D. Performing other duties as assigned by the superintendent; and [PL 2019, c. 405, §2 (NEW).]

E. Making recommendations or reporting concerns to the superintendent based on any review under this subsection. [PL 2019, c. 405, §2 (NEW).]

[RR 2021, c. 2, Pt. A, §32 (COR).]

4. Report; confidentiality. The superintendent shall provide patient reports under section 104-A, subsection 1 to the committee. The superintendent shall remove any identifying information of the patient in the report reviewed by the committee pursuant to subsection 3, paragraph C, subparagraph (1), unless the patient who is the subject of the report or the patient's guardian has provided informed, written consent to the full disclosure of the report to the committee.

[PL 2019, c. 405, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 405, §2 (NEW). RR 2021, c. 2, Pt. A, §32 (COR).

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