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HOUSE BILL NO. 192

Offered January 11, 2012

Prefiled January 9, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 37.2-709.1, relating to state facilities; reporting of critical incidents involving consumers.*

Patron—Lewis

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 37.2-709.1 as follows:***§ 37.2-709.1. State facility reporting requirements; critical incidents involving consumers.*

A. In each case in which a consumer receiving services in a state hospital or state training center is involved in a critical incident, the director of the state facility shall notify the consumer's next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400 regarding the critical incident, any injury to the consumer resulting from the critical incident, and any actions taken to address the factors leading to the critical incident and any injuries to the consumer resulting from the critical incident.

B. Notice to a consumer's next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400 shall be made by telephone within 24 hours of the critical incident. However, if the director is unable to contact the consumer's next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400 by telephone within 24 hours following the critical incident, the director shall notify the consumer's next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400 of the critical incident and any actions taken to address the factors leading to the critical incident and injuries to the consumer resulting from the critical incident in writing by registered mail to the last known address of the consumer's next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400.

C. In cases in which the director of a state facility is unable to identify a next of kin, personal representative, or person identified pursuant to subdivision A 11 of § 37.2-400 or to obtain the telephone number or last known address of such person despite all reasonable efforts to do so, the provisions of this section shall not apply.

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