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HOUSE BILL NO. 192**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Health, Welfare and Institutions
on February 2, 2012)

(Patron Prior to Substitute—Delegate Lewis)

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.*

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, or his designee, shall notify the consumer's authorized 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 injuries to the consumer resulting from the critical incident.

B. To the extent authorized by federal law, notice to a consumer's authorized 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 unless the consumer's authorized representative or person identified pursuant to subdivision A 11 of § 37.2-400 has requested an alternate means or timeframe for notification. However, if the director, or his designee, is unable to contact the consumer's authorized representative or person identified pursuant to subdivision A 11 of § 37.2-400 by telephone within 24 hours of the critical incident, or as otherwise requested, the director, or his designee, shall notify the consumer's authorized representative or person identified pursuant to subdivision A 11 of § 37.2-400 of 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 injuries to the consumer resulting from the critical incident, in writing by registered mail to the last known address of the consumer's authorized representative or person identified pursuant to subdivision A 11 of § 37.2-400.

C. In cases in which the director of a state facility, or his designee, is unable to identify a consumer's authorized 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.

D. For the purposes of this section, "critical incident" shall be defined as serious bodily injury or loss of consciousness requiring medical treatment.