

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 192]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 37.2-709.1 as follows:**8 *§ 37.2-709.1. State facility reporting requirements; critical incidents involving consumers.*

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

15 *B. To the extent authorized by federal law, notice to a consumer's authorized representative or*  
16 *person identified pursuant to subdivision A 11 of § 37.2-400 shall be made by telephone within 24 hours*  
17 *of the critical incident unless the consumer's authorized representative or person identified pursuant to*  
18 *subdivision A 11 of § 37.2-400 has requested an alternate means or timeframe for notification. However,*  
19 *if the director, or his designee, is unable to contact the consumer's authorized representative or person*  
20 *identified pursuant to subdivision A 11 of § 37.2-400 by telephone within 24 hours of the critical*  
21 *incident, or as otherwise requested, the director, or his designee, shall notify the consumer's authorized*  
22 *representative or person identified pursuant to subdivision A 11 of § 37.2-400 of the critical incident,*  
23 *any injury to the consumer resulting from the critical incident, and any actions taken to address the*  
24 *factors leading to the critical incident and injuries to the consumer resulting from the critical incident,*  
25 *in writing by registered mail to the last known address of the consumer's authorized representative or*  
26 *person identified pursuant to subdivision A 11 of § 37.2-400.*

27 *C. In cases in which the director of a state facility, or his designee, is unable to identify a*  
28 *consumer's authorized representative or person identified pursuant to subdivision A 11 of § 37.2-400 or*  
29 *to obtain the telephone number or last known address of such person despite all reasonable efforts to*  
30 *do so, the provisions of this section shall not apply.*

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

ENROLLED

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