
By: **Delegate Hubbard**

Introduced and read first time: January 22, 2002

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER 49

1 AN ACT concerning

2 **Mental Hygiene - Emergency Evaluation Petitions - Licensed Clinical**
3 **Professional Counselors**

4 FOR the purpose of adding licensed clinical professional counselors to the
5 professionals authorized to diagnose a mental disorder for purposes of seeking
6 an emergency evaluation of an individual; authorizing licensed clinical
7 professional counselors to petition for an emergency evaluation; authorizing
8 licensed clinical professional counselors to sign and submit those petitions to
9 peace officers; making conforming changes; and generally relating to emergency
10 evaluation petitions.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 10-601, 10-620, 10-622, 10-623, and 10-624
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

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

18 **Article - Health - General**

19 10-601.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) "Clinical social worker" means an individual who is licensed under Title 19
22 of the Health Occupations Article to practice clinical social work.

1 (c) "LICENSED CLINICAL PROFESSIONAL COUNSELOR" MEANS AN
2 INDIVIDUAL WHO IS LICENSED UNDER TITLE 17, SUBTITLE 3A OF THE HEALTH
3 OCCUPATIONS ARTICLE TO PRACTICE CLINICAL PROFESSIONAL COUNSELING.

4 (D) "Physician" means an individual who is licensed under Title 14 of the
5 Health Occupations Article to practice medicine in this State.

6 [(d)] (E) "Psychologist" means an individual who is:

7 (1) Licensed under Title 18 of the Health Occupations Article; and

8 (2) Listed in the National Register of Health Service Providers in
9 Psychology.

10 10-620.

11 (a) In Part IV of this subtitle the following words have the meanings
12 indicated.

13 (b) "Court" means a district or circuit court of this State.

14 (c) "Emergency evaluatee" means an individual for whom an emergency
15 evaluation is sought or made under Part IV of this subtitle.

16 (d) (1) "Emergency facility" means a facility that the Department
17 designates, in writing, as an emergency facility.

18 (2) "Emergency facility" includes a licensed general hospital that has an
19 emergency room, unless the Department, after consultation with the health officer,
20 exempts the hospital.

21 (e) (1) "Mental disorder" means the behavioral or other symptoms that
22 indicate:

23 (i) To a lay petitioner who is submitting an emergency petition, a
24 clear disturbance in the mental functioning of another individual; and

25 (ii) To a physician, psychologist, [or] clinical social worker, OR A
26 LICENSED CLINICAL PROFESSIONAL COUNSELOR doing an examination, at least one
27 mental disorder that is described in the version of the American Psychiatric
28 Association's "Diagnostic and Statistical Manual - Mental Disorders" that is current
29 at the time of the examination.

30 (2) "Mental disorder" does not include mental retardation.

31 (f) "Peace officer" means a sheriff, a deputy sheriff, a State police officer, a
32 county police officer, a municipal or other local police officer, or a Secret Service agent
33 who is a sworn special agent of the United States Secret Service or Treasury
34 Department authorized to exercise powers delegated under 18 U.S.C. § 3056.

1 10-622.

2 (a) A petition for emergency evaluation of an individual may be made under
3 this section only if the petitioner has reason to believe that the individual has a
4 mental disorder and that there is clear and imminent danger of the individual's doing
5 bodily harm to the individual or another.

6 (b) The petition for emergency evaluation of an individual may be made by:

7 (1) A physician, a psychologist, a clinical social worker, A LICENSED
8 CLINICAL PROFESSIONAL COUNSELOR, or a health officer or designee of a health
9 officer who has examined the individual;

10 (2) A peace officer who personally has observed the individual; or

11 (3) Any other interested person.

12 (c) (1) A petition under this section shall:

13 (i) Be signed and verified by the petitioner;

14 (ii) State the petitioner's:

15 1. Name;

16 2. Address; and

17 3. Home and work telephone numbers;

18 (iii) State the emergency evaluatee's:

19 1. Name; and

20 2. Description;

21 (iv) State the following information, if available:

22 1. The address of the emergency evaluatee; and

23 2. The name and address of the spouse or a child, parent, or
24 other relative of the emergency evaluatee or any other individual who is interested in
25 the emergency evaluatee;

26 (v) Contain a description of the behavior and statements of the
27 emergency evaluatee that led the petitioner to believe that the emergency evaluatee has
28 a mental disorder and that there is clear and imminent danger of the emergency
29 evaluatee's doing bodily harm to the emergency evaluatee or another; and

30 (vi) Contain any other facts that support the need for an emergency
31 evaluation.

1 (2) The petition form shall contain a notice that the petitioner:

2 (i) May be required to appear before a court; and

3 (ii) Makes the statements under penalties of perjury.

4 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
5 LICENSED CLINICAL PROFESSIONAL COUNSELOR, health officer, or designee of a
6 health officer shall give the petition to a peace officer.

7 (2) The peace officer shall explain to the petitioner:

8 (i) The serious nature of the petition; and

9 (ii) The meaning and content of the petition.

10 10-623.

11 (a) If the petitioner under Part IV of this subtitle is not a physician, a
12 psychologist, a clinical social worker, A LICENSED CLINICAL PROFESSIONAL
13 COUNSELOR, a health officer or designee of a health officer, or a peace officer, the
14 petitioner shall present the petition to the court for immediate review.

15 (b) After review of the petition, the court shall endorse the petition if the court
16 finds probable cause to believe that the emergency evaluatee has shown the symptoms
17 of a mental disorder and that there appears to be clear and imminent danger of the
18 emergency evaluatee's doing bodily harm to the emergency evaluatee or another.

19 (c) If the court does not find probable cause, the court shall indicate that fact
20 on the petition, and no further action may be taken under the petition.

21 10-624.

22 (a) (1) A peace officer shall take an emergency evaluatee to the nearest
23 emergency facility if the peace officer has a petition under Part IV of this subtitle
24 that:

25 (i) Has been endorsed by a court within the last 5 days; or

26 (ii) Is signed and submitted by a physician, a psychologist, a clinical
27 social worker, A LICENSED CLINICAL PROFESSIONAL COUNSELOR, a health officer or
28 designee of a health officer, or a peace officer.

29 (2) After a peace officer takes the emergency evaluatee to an emergency
30 facility, the peace officer need not stay unless, because the emergency evaluatee is
31 violent, a physician asks the supervisor of the peace officer to have the peace officer
32 stay.

33 (3) A peace officer shall stay until the supervisor responds to the request
34 for assistance. If the emergency evaluatee is violent, the supervisor shall allow the
35 peace officer to stay.

1 (4) If a physician asks that a peace officer stay, a physician shall
2 examine the emergency evaluatee as promptly as possible.

3 (b) (1) If the petition is executed properly, the emergency facility shall
4 accept the emergency evaluatee.

5 (2) Within 6 hours after an emergency evaluatee is brought to an
6 emergency facility, a physician shall examine the emergency evaluatee, to determine
7 whether the emergency evaluatee meets the requirements for involuntary admission.

8 (3) Promptly after the examination, the emergency evaluatee shall be
9 released unless the emergency evaluatee:

10 (i) Asks for voluntary admission; or

11 (ii) Meets the requirements for involuntary admission.

12 (4) An emergency evaluatee may not be kept at an emergency facility for
13 more than 30 hours.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.