

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 713

(Senator Stone)

Education, Health, and Environmental Affairs

Judiciary

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**Public Safety and Health - Mental Hygiene Administration - Release of Inmates**

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This bill requires a correctional facility managing official or the official's designee to direct the submission of an application for the involuntary admission of an inmate with a history of a mental disorder if there is probable cause at the time of release to believe that the inmate has shown symptoms of a mental disorder and the inmate presents a danger to the life or safety of the inmate or others and the inmate's release is not to another term of confinement. If the inmate does not meet these conditions at the time of release, but needs treatment for a mental disorder or mental retardation services, the managing official must refer to and notify the core services agency for the jurisdiction or the Developmental Disabilities Administration.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A mental disorder means a behavioral or emotional illness that results from a psychiatric or neurological disorder. It includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another. Mental retardation is not considered a mental disorder.

If the Mental Hygiene Administration agrees to pay the expenses, the Department of Public Safety and Correctional Services' Division of Correction or the Patuxent Institution can apply to involuntarily admit an inmate to a facility. A facility is defined as any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals with mental disorders. A Veterans' Administration hospital is not included in this definition.

An involuntary admission application to a facility must be in writing and dated on a required form, state the relationship of the applicant to the individual for whom admission is sought, be signed by the applicant, be accompanied by the certificates of one physician and one psychologist or two physicians, and contain any other required information.

The certificate for involuntary admission of an individual to a facility must be based on the personal examination of the physician or psychologist who signs the certificate. The form must include a diagnosis of the individual's mental disorder, an opinion that the person needs inpatient treatment, and an opinion that admission is necessary for the protection of the person or another individual. A certificate cannot be used if the examination on which the certificate is based was done more than one week before the certificate was signed or more than 30 days before the facility receives the application.

A facility may not admit the individual unless: the person has a mental disorder; the person needs inpatient care or treatment; the person presents a danger to the life or safety of the individual or of others; the person is unable or unwilling to be admitted voluntarily; and there is no available, less restrictive form of intervention.

Within 12 hours of notification by a physician or licensed psychologist who has certified an individual as having a mental disorder, a facility operated by the Department of Health and Mental Hygiene (DHMH) must receive and evaluate the individual certified for involuntary admission if: the individual's involuntary admission is not limited by statute; an application is completed; a certifying physician or psychologist is unable to place the individual in a facility not operated by DHMH; and DHMH is unable to place the person in another facility that is not operated by the department.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Maryland Correctional Administrators Association, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2003  
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