

HOUSE BILL 592

J1

4r1415
CF SB 620

By: ~~Delegates Morhaim and Hammen~~, Hammen, Kach, Pena-Melnyk, and Oaks

Introduced and read first time: January 30, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

2 **Mental Health – Approval by Clinical Review Panel of Administration of**
3 **Medication – Standard**

4 FOR the purpose of altering the standard for approval by certain clinical review
5 panels of the administration of certain medication to certain individuals with
6 mental disorders admitted to certain facilities; and generally relating to clinical
7 review panels and the administration of medication to individuals with mental
8 disorders.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 10–708(a) and (b)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 10–708(g)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 10–708.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Panel” means a clinical review panel that determines, under the
5 provisions of this section, whether to approve that medication be administered to an
6 individual who objects to the medication.

7 (3) “Medication” means psychiatric medication prescribed for the
8 treatment of a mental disorder.

9 (4) “Lay advisor” means an individual at a facility, who is
10 knowledgeable about mental health practice and who assists individuals with rights
11 complaints.

12 (b) Medication may not be administered to an individual who refuses the
13 medication, except:

14 (1) In an emergency, on the order of a physician where the individual
15 presents a danger to the life or safety of the individual or others; or

16 (2) In a nonemergency, when the individual is hospitalized
17 involuntarily or committed for treatment by order of a court and the medication is
18 approved by a panel under the provisions of this section.

19 (g) The panel may approve the administration of medication or medications
20 and may recommend and approve alternative medications if the panel determines
21 that:

22 (1) The medication is prescribed by a psychiatrist for the purpose of
23 treating the individual’s mental disorder;

24 (2) The administration of medication represents a reasonable exercise
25 of professional judgment; and

26 (3) Without the medication, the individual is at substantial risk of
27 continued hospitalization because of:

28 (i) Remaining seriously mentally ill with no significant relief of
29 the mental illness symptoms ~~that [cause] RESULTED IN the individual [to be a danger~~
30 ~~to the individual or to others] BEING HOSPITALIZED THAT:~~

31 **1. CAUSE THE INDIVIDUAL TO BE A DANGER TO THE**
32 **INDIVIDUAL OR OTHERS WHILE IN THE HOSPITAL;**

1 **2. RESULTED IN THE INDIVIDUAL BEING**
2 **COMMITTED TO A HOSPITAL UNDER THIS TITLE OR TITLE 3 OF THE CRIMINAL**
3 **PROCEDURE ARTICLE; OR**

4 **3. WOULD CAUSE THE INDIVIDUAL TO BE A DANGER**
5 **TO THE INDIVIDUAL OR OTHERS IF RELEASED FROM THE HOSPITAL;**

6 (ii) Remaining seriously mentally ill for a significantly longer
7 period of time with **THE** mental illness symptoms ~~that [cause] RESULTED IN the~~
8 ~~individual [to be a danger to the individual or to others] BEING HOSPITALIZED~~
9 **THAT:**

10 **1. CAUSE THE INDIVIDUAL TO BE A DANGER TO THE**
11 **INDIVIDUAL OR TO OTHERS WHILE IN THE HOSPITAL;**

12 **2. RESULTED IN THE INDIVIDUAL BEING**
13 **COMMITTED TO A HOSPITAL UNDER THIS TITLE OR TITLE 3 OF THE CRIMINAL**
14 **PROCEDURE ARTICLE; OR**

15 **3. WOULD CAUSE THE INDIVIDUAL TO BE A DANGER**
16 **TO THE INDIVIDUAL OR OTHERS IF RELEASED FROM THE HOSPITAL; or**

17 (iii) Relapsing into a condition in which the individual is [in
18 danger of serious physical harm resulting from the individual’s inability] **UNABLE** to
19 provide for the individual’s essential human needs of health or safety.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.