

HOUSE BILL 606

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CF SB 67

By: **Delegates Morhaim and Hammen**

Introduced and read first time: January 30, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Mental Hygiene – Standards for Emergency Evaluation and Involuntary Admission – Modification

FOR the purpose of modifying certain standards for involuntary admissions of individuals with mental disorders to certain facilities or a Veterans' Administration hospital under certain circumstances; modifying certain standards for emergency evaluations of individuals with mental disorders under certain circumstances; defining a certain term; and generally relating to standards for emergency evaluation and involuntary admission of individuals with mental disorders.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–601, 10–617(a), 10–622(a) and (c), 10–623(b), 10–626(a), and 10–632(e)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

10–601.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(C) “DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR OF OTHERS” MEANS A SUBSTANTIAL RISK, IN CONSIDERATION OF THE INDIVIDUAL’S CURRENT CONDITION AND, IF AVAILABLE, PERSONAL AND MEDICAL HISTORY, THAT:

(1) THE INDIVIDUAL WILL CAUSE BODILY HARM TO THE INDIVIDUAL OR ANOTHER INDIVIDUAL; OR

(2) THE INDIVIDUAL WILL SUFFER BODILY HARM, SIGNIFICANT PSYCHIATRIC DETERIORATION OR DEBILITATION, OR SERIOUS ILLNESS, AS A CONSEQUENCE OF THE INDIVIDUAL’S INABILITY, WITHOUT THE SUPERVISION AND ASSISTANCE OF OTHERS, TO SATISFY THE INDIVIDUAL’S NEED FOR NOURISHMENT, PERSONAL OR MEDICAL CARE, SHELTER, OR SELF-PROTECTION AND SAFETY.

[(c)] (D) “Licensed clinical marriage and family therapist” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical marriage and family therapy.

[(d)] (E) “Licensed clinical professional counselor” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical professional counseling.

[(e)] (F) “Physician” means an individual who is licensed under Title 14 of the Health Occupations Article to practice medicine in this State.

[(f)] (G) “Psychologist” means an individual who is licensed under Title 18 of the Health Occupations Article to practice psychology.

10-617.

(a) A facility or Veterans’ Administration hospital may not admit the individual under Part III of this subtitle unless:

(1) The individual has a mental disorder;

(2) The individual needs inpatient care or treatment;

(3) The individual [presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of others;

(4) The individual is unable or unwilling to be admitted voluntarily;

and

(5) There is no available, less restrictive form of intervention that is consistent with the welfare and safety of the individual.

10-622.

(a) A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual:

(1) Has a mental disorder; and

(2) [The individual presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of others.

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

(i) Be signed and verified by the petitioner;

(ii) State the petitioner's:

1. Name;

2. Address; and

3. Home and work telephone numbers;

(iii) State the emergency evaluatee's:

1. Name; and

2. Description;

(iv) State the following information, if available:

1. The address of the emergency evaluatee; and

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

(v) If the individual who makes the petition for emergency evaluation is an individual authorized to do so under subsection (b)(1)(i) of this section, contain the license number of the individual;

(vi) Contain a description of the behavior and statements of the emergency evaluatee or any other information that led the petitioner to believe that the emergency evaluatee has a mental disorder and that the individual [presents] **IS**

REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT a danger to the life or safety of the individual or of others; and

(vii) Contain any other facts that support the need for an emergency evaluation.

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

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

(ii) Makes the statements under penalties of perjury.

10-623.

(b) After review of the petition, the court shall endorse the petition if the court finds probable cause to believe that the emergency evaluatee has shown the symptoms of a mental disorder and that the individual [presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of others.

10-626.

(a) A court may order, at any time, an emergency evaluation under Part IV of this subtitle of an individual who has been arrested, if the court finds probable cause to believe that the individual has a mental disorder and the individual [presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of others.

10-632.

(e) The hearing officer shall:

(1) Consider all the evidence and testimony of record; and

(2) Order the release of the individual from the facility unless the record demonstrates by clear and convincing evidence that at the time of the hearing each of the following elements exist as to the individual whose involuntary admission is sought:

(i) The individual has a mental disorder;

(ii) The individual needs in-patient care or treatment;

(iii) The individual [presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of others;

(iv) The individual is unable or unwilling to be voluntarily admitted to the facility;

(v) There is no available less restrictive form of intervention that is consistent with the welfare and safety of the individual; and

(vi) If the individual is 65 years old or older and is to be admitted to a State facility, the individual has been evaluated by a geriatric evaluation team and no less restrictive form of care or treatment was determined by the team to be appropriate.

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