SENATE BILL 195

J1, J2 5lr1885

By: **Senators Eckardt and Reilly**
Introduced and read first time: February 2, 2015
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Mental Health – Voluntary and Involuntary Admissions – Assent and Certification by Psychiatric Nurse Practitioners

FOR the purpose of altering the individuals who may give assent to the admission of a minor to a certain unit of a State facility for the treatment of a mental disorder by providing that assent may be given by a physician and psychiatric nurse practitioner; altering a requirement that a certain certificate accompany an application for involuntary admission to a facility or Veterans' Administration hospital by providing that the certificate may be of a physician and psychiatric nurse practitioner; making conforming changes; and generally relating to the standards for voluntary and involuntary admissions to facilities for the treatment of mental disorders.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–610, 10–615, and 10–616
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

10–610.

(a) On behalf of a minor, a parent or guardian of the person of the minor may apply, under this section, for admission of the minor to:

(1) Any facility that is not a State facility; or

(2) The following State facilities:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(i) A regional institute for children and adolescents; and

(ii) The child or adolescent unit of a State facility.

(b) The applicant shall submit a formal, written application that contains the personal information and is on the form required by the Administration.

(c) A facility may not admit an individual under this section unless:

(1) The individual has a mental disorder;

(2) The mental disorder is susceptible to care or treatment;

(3) The applicant understands the nature of a request for admission; and

(4) Assent to the admission has been given:

(i) By the admitting physician of the facility; or

(ii) For a child or adolescent unit of a State facility, by**:**

1. **[**a**] A** physician and psychologist **[**or by**];**

2. 2 physicians**; OR**

3. A PHYSICIAN AND PSYCHIATRIC NURSE PRACTITIONER.

(d) An admission under this section to a child or adolescent unit of a State facility may not exceed 20 days.

10–615.

Each application for involuntary admission to a facility or Veterans' Administration hospital under Part III of this subtitle shall:

(1) Be in writing;

(2) Be dated;

(3) Be on the form required by:

(i) The Administration, in the case of a facility; or

(ii) The Veterans' Administration hospital, in the case of a Veterans' Administration hospital;

(4) State the relationship of the applicant to the individual for whom admission is sought;

(5) Be signed by the applicant;

(6) Be accompanied by the certificates of:

(i) 1 physician and 1 psychologist; **[**or**]**

(ii) 2 physicians; **[**and**] OR**

(III) 1 PHYSICIAN AND 1 PSYCHIATRIC NURSE PRACTITIONER; AND

(7) Contain any other information that the Administration requires.

10–616.

(a) (1) A certificate for involuntary admission of an individual under Part III of this subtitle shall:

(i) Be based on the personal examination of the physician **[**or**],** psychologist**, OR PSYCHIATRIC NURSE PRACTITIONER** who signs the certificate; and

(ii) Be in the form that the Secretary adopts, by rule or regulation.

(2) The rules and regulations shall require the form to include:

(i) A diagnosis of a mental disorder of the individual;

(ii) An opinion that the individual needs inpatient care or treatment; and

(iii) An opinion that admission to a facility or Veterans' Administration hospital is needed for the protection of the individual or another.

(b) A certificate may not be used for admission if the examination on which the certificate is made was done:

(1) More than 1 week before the certificate is signed; or

(2) More than 30 days before the facility or the Veterans' Administration hospital receives the application for admission.

(c) A certificate may not be used for an admission if the physician or psychologist who signed the certificate:

(1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the individual whose status is being certified; or

(2) Is related, by blood or marriage, to the individual or to the applicant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.