

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1564

(Delegates Bhandari and Pena-Melnyk)

Health and Government Operations

Finance

**Public Health - Emergency Evaluations - Duties of Peace Officers and
Emergency Facilities**

This bill authorizes “emergency facility personnel” (rather than only a physician) to ask a peace officer to stay at an emergency facility when a peace officer brings an emergency evaluatee to the facility. “Emergency facility personnel” means a physician, physician assistant, nurse practitioner, or other advanced practice professional employed or under contract with the emergency facility. The bill requires a peace officer, to the extent practicable, to notify the emergency facility in advance that the peace officer is bringing an emergency evaluatee to the emergency facility. The bill also makes a conforming change.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: A petition for emergency evaluation of an individual may be made only if the petitioner has reason to believe that the individual has a mental disorder and presents a danger to the life or safety of the individual or of others. Such a petition must contain specified information, including a description of the behavior and statements of the evaluatee or any other information that led the petitioner to believe that the evaluatee has a mental disorder and presents a danger to the life and safety of the individual or of others.

If the petitioner is not a specified health care provider or peace officer (a sheriff, deputy sheriff, State police officer, county police officer, municipal or other local police officer, or specified federal special agent), the petitioner must present the petition to the court for immediate review. After review of the petition, the court must endorse the petition if the court finds probable cause to believe that the evaluatee has shown the symptoms of a mental disorder and that the individual presents a danger to the life or safety of the individual or of others. If the court does not find probable cause, the court must indicate that fact on the petition, and no further action may be taken under the petition.

A peace officer must take an evaluatee to the nearest emergency facility if the peace officer has a petition for emergency evaluation that has been endorsed by a court within the previous five days or is signed and submitted by a specified health care provider or peace officer.

After a peace officer takes the emergency evaluatee to an emergency facility, the peace officer need not stay unless, because the emergency evaluatee is violent, a physician asks the supervisor of the peace office to have the peace officer stay. A peace officer must stay until the supervisor responds to the request for assistance. If the emergency evaluatee is violent, the supervisor must allow the peace officer to stay. If a physician asks that a peace officer stay, a physician must examine the emergency evaluatee as promptly as possible.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2020
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