

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 398
Finance

(Senator Carter)

Mental Health Law - Petitions for Emergency Evaluation - Procedures

This bill *authorizes* (rather than requires) a specified health professional or health officer (or designee) who petitions for an emergency evaluation to give the petition to a peace officer and repeals the requirement that a peace officer explain the serious nature, meaning, and content of the petition to the petitioner. Accordingly, if a peace officer is not given the petition, the specified health professional or health officer (or designee) in possession of a qualifying petition must transport an evaluatee to the nearest emergency facility. Any person transporting an evaluatee to an emergency facility must, to the extent practicable, notify the facility in advance. A specified health professional or health officer (or designee) need not stay with the evaluatee.

Fiscal Summary

State Effect: Any savings for the Department of State Police due to reduced responsibilities is assumed to be shifted to other law enforcement functions. Revenues are not affected.

Local Effect: Any savings for local law enforcement due to reduced responsibilities is assumed to be shifted to other law enforcement functions. To the extent that a local health officer chooses to transport an evaluatee, operations are affected, but the impact is assumed to be small enough that it can be absorbed within existing budgeted resources. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: Specified health professionals include a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, or licensed clinical marriage and family therapist.

Current Law: Under the Health-General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if the peace officer has personally observed the individual or the individual's behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual. When the petitioner is a specified health professional or health officer (or designee), the petition must be given to a peace officer; at that time, the peace officer must explain to the petitioner the serious nature, meaning, and content of the petition.

On receipt of a valid petition for an emergency evaluation, a peace officer must take the individual to the nearest emergency facility and must notify the facility in advance, to the extent practicable. The peace officer may stay for the duration of the evaluation on request of the evaluating physician if the individual exhibits violent behavior.

A "peace officer" is defined as a sheriff, deputy sheriff, State police officer, county police officer, municipal or other local police officer, or Secret Service agent.

Small Business Effect: To the extent that the specified health professionals are part of a small business, time and expense may be spent in order to transport an emergency evaluatee to the nearest emergency facility.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 537 (Delegate Ruth) - Health and Government Operations.

Information Source(s): Anne Arundel, Charles, Frederick, and Montgomery counties; City of Laurel; Maryland Department of Health; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2021
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