

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 16-181)**

Overview and Legal and Fiscal Impact

The regulations implement changes made by Chapter 241 of 2016 regarding certificates for involuntary admission to inpatient mental health facilities and add a reference to the Veteran's Administration hospital to COMAR 10.21.01.04B(4)(b).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Mental Hygiene Regulations: Involuntary Admission to Inpatient Mental Health Facilities:
COMAR 10.21.01.02, .04, .08, and .09

Legal Analysis

Background

Chapter 241 of 2016 applied existing requirements regarding certificates for involuntary admission signed by physicians and psychologists to certificates signed by psychiatric nurse practitioners.

Summary of Regulations

The regulations amend COMAR 10.21.01.02, .04, .08, and .09 to apply to psychiatric nurse practitioners the regulatory requirements regarding certificates for involuntary admission that apply to physicians and psychologists.

COMAR 10.21.01.04B(4)(b) requires that a certificate for involuntary admission include a statement that the certificate may not be used if the examination on which the certificate is based was done more than 30 days before the application is received by the inpatient facility. The regulations amend the requirement to include a reference to receipt by the Veteran's Administration hospital.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 7.5-204, 7.5-205, 10-616, 10-619, and 10-806(d)(3) of the Health – General Article as statutory authority for the regulations. Section 7.5-204 requires the Director of the Behavioral Health Administration to do anything necessary or proper to carry out the Maryland Mental Health Law. Section 7.5-205 requires the Secretary of Health and Mental Hygiene to adopt regulations to carry out the Maryland Mental Health Law. Section 10-616 governs certificates for involuntary admission. The remaining cited authority is not relevant to these regulations.

The relevant cited authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

In response to a suggestion from the Department of Legislative Services, staff for the administration agrees to include a description of the addition of a reference to the Veteran's Administration hospital to COMAR 10.21.01.04 to the Statement of Purpose.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations implement provisions of Chapter 241 of 2016 (Senate Bill 1081), which applied existing requirements for certificates for involuntary admission signed by physicians and psychologists to certificates for involuntary admission signed by psychiatric nurse practitioners. Any fiscal impact has already been assumed under the fiscal and policy note for Senate Bill 1081 of 2016.

The regulations also incorporate psychiatric nurse practitioners into requirements for involuntary admission hearings. The department advises that the changes are procedural and clarifying in nature; therefore, there is no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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