
By: **Delegates Griffith, Frush, Hurson, Cane, Owings, Fulton, Sher,
Marriott, D. Davis, Oaks, Hubbard, Guns, and Nathan-Pulliam**

Introduced and read first time: February 10, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene - Involuntary Admission and Emergency Evaluation -**
3 **Clinical Social Worker**

4 FOR the purpose of authorizing clinical social workers, together with a physician, to
5 issue a certificate for involuntary admission to a certain facility or hospital and
6 to file and present a petition for an emergency evaluation of an individual;
7 defining certain terms; and generally relating to involuntary admissions to
8 certain facilities or hospitals and emergency evaluations by clinical social
9 workers.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 10-601, 10-615, 10-616, 10-619, 10-620, 10-622, 10-623, and
13 10-624(a)(1)
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1999 Supplement)

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

18 **Article - Health - General**

19 10-601.

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

21 (b) "CLINICAL SOCIAL WORKER" MEANS AN INDIVIDUAL WHO IS LICENSED
22 UNDER TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE TO PRACTICE CLINICAL
23 SOCIAL WORK.

24 (C) "Physician" means an individual who is licensed under Title 14 of the
25 Health Occupations Article to practice medicine in this State.

26 [(c)] (D) "Psychologist" means an individual who is:

- 1 (1) Licensed under Title 18 of the Health Occupations Article; and
2 (2) Listed in the National Register of Health Service Providers in
3 Psychology.
4 10-615.

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

- 7 (1) Be in writing;
8 (2) Be dated;
9 (3) Be on the form required by:
10 (i) The Administration, in the case of a facility; or
11 (ii) The Veterans' Administration hospital, in the case of a Veterans'
12 Administration hospital;
13 (4) State the relationship of the applicant to the individual for whom
14 admission is sought;
15 (5) Be signed by the applicant;
16 (6) Be accompanied by the certificates of:
17 (i) 1 physician and 1 psychologist; [or]
18 (ii) 1 PHYSICIAN AND 1 CLINICAL SOCIAL WORKER; OR
19 (III) 2 physicians; and
20 (7) Contain any other information that the Administration requires.

21 10-616.

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

- 24 (i) Be based on the personal examination of the physician, [or]
25 psychologist, OR CLINICAL SOCIAL WORKER who signs the certificate; and
26 (ii) Be in the form that the Secretary adopts, by rule or regulation.
27 (2) The rules and regulations shall require the form to include:
28 (i) A diagnosis of a mental disorder of the individual;
29 (ii) An opinion that the individual needs inpatient care or
30 treatment; and

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

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

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

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

8 (c) A certificate may not be used for an admission if the physician, [or]
9 psychologist, OR CLINICAL SOCIAL WORKER who signed the certificate:

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

13 (2) Is related, by blood or marriage, to the individual or to the applicant.
14 10-619.

15 Within 12 hours of notification by a physician, [or] licensed psychologist, OR
16 CLINICAL SOCIAL WORKER who has certified an individual under Part III of this
17 subtitle, a facility operated by the Department of Health and Mental Hygiene shall
18 receive and evaluate the individual certified for involuntary admission if:

19 (1) The individual's involuntary admission is not limited by § 10-617 of
20 this title;

21 (2) An application for admission has been completed;

22 (3) A certifying physician, [or] psychologist, OR CLINICAL SOCIAL
23 WORKER is unable to place the individual in a facility not operated by the
24 Department; and

25 (4) The Department is unable to provide for the placement of the person
26 other than in a facility operated by the Department.

27 10-620.

28 (a) In Part IV of this subtitle the following words have the meanings
29 indicated.

30 (b) "Court" means a district or circuit court of this State.

31 (c) "Emergency evaluatee" means an individual for whom an emergency
32 evaluation is sought or made under Part IV of this subtitle.

33 (d) (1) "Emergency facility" means a facility that the Department
34 designates, in writing, as an emergency facility.

1 (2) "Emergency facility" includes a licensed general hospital that has an
2 emergency room, unless the Department, after consultation with the health officer,
3 exempts the hospital.

4 (e) (1) "Mental disorder" means the behavioral or other symptoms that
5 indicate:

6 (i) To a lay petitioner who is submitting an emergency petition, a
7 clear disturbance in the mental functioning of another individual; and

8 (ii) To a physician, [or] psychologist, OR CLINICAL SOCIAL WORKER
9 doing an examination, at least one mental disorder that is described in the version of
10 the American Psychiatric Association's "Diagnostic and Statistical Manual - Mental
11 Disorders" that is current at the time of the examination.

12 (2) "Mental disorder" does not include mental retardation.

13 (f) "Peace officer" means a sheriff, a deputy sheriff, a State police officer, a
14 county police officer, a municipal or other local police officer, or a Secret Service agent
15 who is a sworn special agent of the United States Secret Service or Treasury
16 Department authorized to exercise powers delegated under 18 U.S.C. § 3056.

17 10-622.

18 (a) A petition for emergency evaluation of an individual may be made under
19 this section only if the petitioner has reason to believe that the individual has a
20 mental disorder and that there is clear and imminent danger of the individual's doing
21 bodily harm to the individual or another.

22 (b) The petition for emergency evaluation of an individual may be made by:

23 (1) A physician, a psychologist, A CLINICAL SOCIAL WORKER, or a health
24 officer or designee of a health officer who has examined the individual;

25 (2) A peace officer who personally has observed the individual; or

26 (3) Any other interested person.

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

28 (i) Be signed and verified by the petitioner;

29 (ii) State the petitioner's:

30 1. Name;

31 2. Address; and

32 3. Home and work telephone numbers;

33 (iii) State the emergency evaluatee's:

- 1 1. Name; and
- 2 2. Description;
- 3 (iv) State the following information, if available:
 - 4 1. The address of the emergency evaluatee; and
 - 5 2. The name and address of the spouse or a child, parent, or
6 other relative of the emergency evaluatee or any other individual who is interested in
7 the emergency evaluatee;
- 8 (v) Contain a description of the behavior and statements of the
9 emergency evaluatee that led the petitioner to believe that the emergency evaluatee has
10 a mental disorder and that there is clear and imminent danger of the emergency
11 evaluatee's doing bodily harm to the emergency evaluatee or another; and
- 12 (vi) Contain any other facts that support the need for an emergency
13 evaluation.
- 14 (2) The petition form shall contain a notice that the petitioner:
 - 15 (i) May be required to appear before a court; and
 - 16 (ii) Makes the statements under penalties of perjury.
- 17 (d) (1) A petitioner who is a physician, psychologist, CLINICAL SOCIAL
18 WORKER, health officer, or designee of a health officer shall give the petition to a
19 peace officer.
- 20 (2) The peace officer shall explain to the petitioner:
 - 21 (i) The serious nature of the petition; and
 - 22 (ii) The meaning and content of the petition.
- 23 10-623.
- 24 (a) If the petitioner under Part IV of this subtitle is not a physician, a
25 psychologist, A CLINICAL SOCIAL WORKER, a health officer or designee of a health
26 officer, or a peace officer, the petitioner shall present the petition to the court for
27 immediate review.
- 28 (b) After review of the petition, the court shall endorse the petition if the court
29 finds probable cause to believe that the emergency evaluatee has shown the symptoms
30 of a mental disorder and that there appears to be clear and imminent danger of the
31 emergency evaluatee's doing bodily harm to the emergency evaluatee or another.
- 32 (c) If the court does not find probable cause, the court shall indicate that fact
33 on the petition, and no further action may be taken under the petition.

1 10-624.

2 (a) (1) A peace officer shall take an emergency evaluatee to the nearest
3 emergency facility if the peace officer has a petition under Part IV of this subtitle
4 that:

5 (i) Has been endorsed by a court within the last 5 days; or

6 (ii) Is signed and submitted by a physician, a psychologist, A
7 CLINICAL SOCIAL WORKER, a health officer or designee of a health officer, or a peace
8 officer.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2000.