
By: **Delegates Rosenberg, Guns, Goldwater, and Eckardt**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Voluntary Admissions to Mental Health Facilities - Applications by Health**
3 **Care Agents**

4 FOR the purpose of authorizing an application for voluntary admission of an
5 individual to certain facilities that provide treatment or other services for
6 mental disorders to be made by an agent appointed by the individual to make
7 health care decisions for the individual, if the agent is specifically granted the
8 authority by the individual's advance directive to apply for voluntary admission
9 of the individual; establishing certain application requirements; prohibiting a
10 facility from confining an individual unless certain conditions are met; requiring
11 a facility to determine if certain conditions regarding competency have been met
12 within a certain time period; requiring a psychiatrist to examine an individual
13 confined in accordance with an application by an agent within a certain time
14 period; requiring a psychiatrist who examines an individual to take certain
15 actions; providing for the confinement of an individual on observation status;
16 prohibiting the disclosure of an individual's observation status medical records
17 without the authorization of the individual; providing for the termination of this
18 Act; and generally relating to voluntary admissions of certain individuals to
19 certain mental health facilities.

20 BY adding to
21 Article - Health - General
22 Section 10-611
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1999 Supplement)

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

27 **Article - Health - General**

28 10-611.

29 (A) AN APPLICATION FOR ADMISSION OF AN INDIVIDUAL TO A FACILITY MAY
30 BE MADE UNDER THIS SECTION BY AN AGENT APPOINTED BY THE INDIVIDUAL IN

1 ACCORDANCE WITH TITLE 5, SUBTITLE 6 OF THIS ARTICLE TO MAKE HEALTH CARE
2 DECISIONS FOR THE INDIVIDUAL, IF THE AGENT IS SPECIFICALLY GRANTED THE
3 AUTHORITY BY THE INDIVIDUAL'S ADVANCE DIRECTIVE TO APPLY FOR VOLUNTARY
4 ADMISSION OF THE INDIVIDUAL TO A FACILITY.

5 (B) THE AGENT SHALL:

6 (1) SUBMIT A FORMAL, WRITTEN APPLICATION THAT CONTAINS THE
7 PERSONAL INFORMATION AND IS ON THE FORM REQUIRED BY THE
8 ADMINISTRATION; AND

9 (2) ATTACH A COPY OF THE ADVANCE DIRECTIVE.

10 (C) A FACILITY MAY NOT CONFINED AN INDIVIDUAL UNDER THIS SECTION
11 UNLESS:

12 (1) THE INDIVIDUAL HAS A MENTAL DISORDER;

13 (2) THE MENTAL DISORDER IS SUSCEPTIBLE TO CARE OR TREATMENT;

14 (3) THE INDIVIDUAL'S AGENT UNDERSTANDS THE NATURE OF THE
15 REQUEST FOR ADMISSION; AND

16 (4) THE INDIVIDUAL'S AGENT IS ABLE TO ASK FOR RELEASE.

17 (D) (1) IF THE INDIVIDUAL'S ADVANCE DIRECTIVE PROVIDES THAT THE
18 AGENT'S AUTHORITY SHALL BECOME OPERATIVE ONLY WHEN CERTAIN CONDITIONS
19 REGARDING COMPETENCY HAVE BEEN MET, THE FACILITY, WITHIN 1 HOUR AFTER
20 THE INDIVIDUAL'S CONFINEMENT, SHALL DETERMINE IF THE CONDITIONS HAVE
21 BEEN MET.

22 (2) IF THE FACILITY DETERMINES THAT THE CONDITIONS HAVE NOT
23 BEEN MET, THE APPLICATION IS NO LONGER VALID AND THE FACILITY SHALL
24 RELEASE THE INDIVIDUAL OR SEEK ADMISSION UNDER PART II OR PART III OF THIS
25 SUBTITLE.

26 (E) AN INDIVIDUAL CONFINED IN ACCORDANCE WITH AN APPLICATION BY AN
27 AGENT UNDER THIS SECTION SHALL BE EXAMINED BY A PSYCHIATRIST WITHIN 24
28 HOURS AFTER CONFINEMENT.

29 (F) IF THE PSYCHIATRIST WHO EXAMINES THE INDIVIDUAL DETERMINES
30 THAT THE INDIVIDUAL DOES NOT MEET THE REQUIREMENTS FOR INVOLUNTARY
31 ADMISSION UNDER § 10-617 OF THIS SUBTITLE, THE PSYCHIATRIST SHALL:

32 (1) IF THE INDIVIDUAL MEETS THE REQUIREMENTS FOR VOLUNTARY
33 ADMISSION, OFFER THE INDIVIDUAL AN APPLICATION FOR VOLUNTARY ADMISSION;
34 OR

35 (2) (I) IMMEDIATELY RELEASE THE INDIVIDUAL, FOLLOWING
36 NOTIFICATION TO THE AGENT; AND

1 (II) PREPARE A WRITTEN AFTERCARE PLAN IN ACCORDANCE WITH
2 § 10-809 OF THIS TITLE.

3 (G) AN INDIVIDUAL CONFINED IN ACCORDANCE WITH AN APPLICATION BY AN
4 AGENT UNDER THIS SECTION SHALL BE CONSIDERED ON OBSERVATION STATUS
5 UNTIL THE INDIVIDUAL APPLIES FOR VOLUNTARY ADMISSION OR IS
6 INVOLUNTARILY ADMITTED TO AN INPATIENT FACILITY FOLLOWING A HEARING
7 UNDER § 10-632 OF THIS SUBTITLE.

8 (H) IF AN INDIVIDUAL IS RELEASED UNDER SUBSECTION (F)(2) OF THIS
9 SECTION, THE FACILITY MAY NOT DISCLOSE THE INDIVIDUAL'S OBSERVATION
10 STATUS MEDICAL RECORD IN ANY WAY THAT WOULD INDICATE THAT THE
11 INDIVIDUAL HAD BEEN PRESENT IN THE FACILITY, EXCEPT ON THE AUTHORIZATION
12 OF THE INDIVIDUAL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2000. It shall remain effective for a period of 2 years and, at the end of
15 September 30, 2002, with no further action required by the General Assembly, this
16 Act shall be abrogated and of no further force and effect.