

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 858 (Delegate Rosenberg, *et al.*)

Environmental Matters

Voluntary Admissions to Mental Health Facilities -
Applications by Health Care Agents

This bill provides that an individual may apply for voluntary admission to a mental health facility by an agent appointed by the individual in an advance directive, if the agent is specifically granted the authority by the advance directive to apply for voluntary admission of the individual to a facility.

The bill sunsets on September 30, 2002.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill allows an individual who is voluntarily entering a mental health facility to grant another individual the authority to make health care decisions through the use of an advance directive. The person being granted the authority (the agent) must submit a formal written application with an attached copy of the advance directive. The bill requires the individual entering the facility under the agent's authority to be considered on "observation status" until either voluntary admission is completed or an involuntary admission hearing is held prior to formal admission.

The facility is prohibited from confining the individual unless: (1) the individual has a mental disorder which is treatable; (2) the agent understands the request for admission; and

(3) the agent is able to ask for the individual's release. The facility must make a determination regarding the conditions for voluntary admission contained in the advance directive within one hour of admission. If the conditions have not been met, the individual is to be released, in which case the observation status medical record is not to be disclosed.

A confined individual must be examined by a psychiatrist within 24 hours and if the psychiatrist determines that the individual does not meet the requirements for involuntary admission, the psychiatrist must provide an application for voluntary admission, or notify the agent, release the individual, and prepare a written aftercare plan.

Current Law: In general, an individual may seek voluntary admission to a mental health facility if the individual is 16 years old or older. A parent or guardian of the person of a minor may seek voluntary admission of the minor to a mental facility.

Background: The provisions of this bill are consistent with the recommendations contained in the *Report to the Joint Chairmen: Feasibility and Advisability of a Pilot Project for Involuntary Outpatient Civil Commitment or Other Appropriate Measures*.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Mental Hygiene Administration), Maryland Insurance Administration, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2000
cm/jr

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