
By: **Delegates Rosenberg, Eckardt, Schisler, Goldwater, and Guns**
Introduced and read first time: February 8, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Law - Advance Directives**

3 FOR the purpose of requiring that an administrative head of a residential facility
4 providing treatment or services to individuals with mental disorders who
5 releases an individual from the facility notify the individual of the advisability
6 of developing an advance directive for mental health services; requiring that the
7 facility assist the individual in developing the advance directive if the individual
8 requests assistance; providing for a delayed effective date; and generally
9 relating to advance directives for mental health services.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 10-809(b)
13 Annotated Code of Maryland
14 (2000 Replacement Volume)

15 **Preamble**

16 WHEREAS, Some people with a mental disorder require ongoing mental health
17 services, including treatment with psychotropic medications, in order to live safely in
18 the community; and

19 WHEREAS, Some people who require ongoing mental health services
20 experience periods when their symptoms worsen and they become incapable of
21 making an informed decision about services and may discontinue needed services;
22 and

23 WHEREAS, An advance directive for health care allows an individual, when
24 capable of making an informed decision about health care, to specify services he or
25 she would wish to receive if he or she became incapable of making such a decision in
26 the future or to authorize an agent to make health care decisions on the individual's
27 behalf in such a circumstance; and

28 WHEREAS, A legislative study that examined mechanisms for promoting
29 consumer participation in mental health services recommended that efforts be made

1 to afford individuals with a mental disorder an opportunity to execute an advance
2 directive for mental health services; now, therefore,

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

5 **Article - Health - General**

6 10-809.

7 (b) (1) Except as otherwise provided in this section, before a facility releases
8 an individual who has been accepted as a resident in the facility, the administrative
9 head of the facility or a designee of the administrative head shall:

10 [(1)] (I) Prepare a written aftercare plan for the individual; [and]

11 [(2)] (II) With the consent of the individual send the plan to the
12 treatment program in the community that the individual chooses; AND

13 (III) NOTIFY THE INDIVIDUAL OF THE ADVISABILITY OF
14 DEVELOPING AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES.

15 (2) IF THE INDIVIDUAL REQUESTS ASSISTANCE IN DEVELOPING AN
16 ADVANCE DIRECTIVE, THE FACILITY SHALL ASSIST THE INDIVIDUAL IN DEVELOPING
17 THE ADVANCE DIRECTIVE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2002.