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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

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CHAPTER \_\_\_\_\_

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 or refer the individual to an appropriate community  
9 resource for assistance in developing an advance directive; requiring the  
10 administrative head of the facility, when referring an individual to a community  
11 resource, to notify the community resource of certain information that is not  
12 confidential; providing for a delayed effective date; and generally relating to  
13 advance directives for mental health services.

14 BY repealing and reenacting, with amendments,  
15 Article - Health - General  
16 Section 10-809(b)  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume)

19 Preamble

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

23 WHEREAS, Some people who require ongoing mental health services  
24 experience periods when their symptoms worsen and they become incapable of

1 making an informed decision about services and may discontinue needed services;  
2 and

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

8 WHEREAS, A legislative study that examined mechanisms for promoting  
9 consumer participation in mental health services recommended that efforts be made  
10 to afford individuals with a mental disorder an opportunity to execute an advance  
11 directive for mental health services; now, therefore,

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

14 **Article - Health - General**

15 10-809.

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

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

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

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

24 (2) IF THE INDIVIDUAL REQUESTS ASSISTANCE IN DEVELOPING AN  
25 ADVANCE DIRECTIVE, THE FACILITY SHALL ASSIST THE INDIVIDUAL IN DEVELOPING  
26 THE ADVANCE DIRECTIVE OR REFER THE INDIVIDUAL TO AN APPROPRIATE  
27 COMMUNITY RESOURCE TO ASSIST THE INDIVIDUAL IN DEVELOPING AN ADVANCE  
28 DIRECTIVE.

29 (3) WHEN THE ADMINISTRATIVE HEAD OF THE FACILITY OR THE  
30 DESIGNEE OF THE ADMINISTRATIVE HEAD REFERS THE INDIVIDUAL TO AN  
31 APPROPRIATE COMMUNITY RESOURCE UNDER PARAGRAPH (2) OF THIS SUBSECTION,  
32 THE ADMINISTRATIVE HEAD OR DESIGNEE SHALL NOTIFY THE COMMUNITY  
33 RESOURCE OF THE NAME OF AND OTHER AVAILABLE NONCONFIDENTIAL  
34 IDENTIFYING INFORMATION ABOUT THE INDIVIDUAL THAT HAS BEEN REFERRED TO  
35 THE COMMUNITY RESOURCE AND OF THE INDIVIDUAL'S INTEREST IN DEVELOPING  
36 AN ADVANCE DIRECTIVE.

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

