
By: **Delegates Griffith, D. Davis, Frush, Guns, Nathan-Pulliam, and Owings**
Introduced and read first time: February 8, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene - Emergency Evaluation - Clinical Social Worker**

3 FOR the purpose of authorizing clinical social workers to file and present a petition
4 for an emergency evaluation of an individual; defining certain terms; and
5 generally relating to emergency evaluations by clinical social workers.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 10-601, 10-620, 10-622, 10-623, and 10-624(a)(1)
9 Annotated Code of Maryland
10 (2000 Replacement Volume)

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

13 **Article - Health - General**

14 10-601.

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

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

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

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

22 (1) Licensed under Title 18 of the Health Occupations Article; and

23 (2) Listed in the National Register of Health Service Providers in
24 Psychology.

1 10-620.

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

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

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

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

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

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

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

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

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

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

25 10-622.

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

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

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

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

34 (3) Any other interested person.

- 1 (c) (1) A petition under this section shall:
- 2 (i) Be signed and verified by the petitioner;
- 3 (ii) State the petitioner's:
- 4 1. Name;
- 5 2. Address; and
- 6 3. Home and work telephone numbers;
- 7 (iii) State the emergency evaluatee's:
- 8 1. Name; and
- 9 2. Description;
- 10 (iv) State the following information, if available:
- 11 1. The address of the emergency evaluatee; and
- 12 2. The name and address of the spouse or a child, parent, or
- 13 other relative of the emergency evaluatee or any other individual who is interested in
- 14 the emergency evaluatee;
- 15 (v) Contain a description of the behavior and statements of the
- 16 emergency evaluatee that led the petitioner to believe that the emergency evaluatee has
- 17 a mental disorder and that there is clear and imminent danger of the emergency
- 18 evaluatee's doing bodily harm to the emergency evaluatee or another; and
- 19 (vi) Contain any other facts that support the need for an emergency
- 20 evaluation.
- 21 (2) The petition form shall contain a notice that the petitioner:
- 22 (i) May be required to appear before a court; and
- 23 (ii) Makes the statements under penalties of perjury.
- 24 (d) (1) A petitioner who is a physician, psychologist, CLINICAL SOCIAL
- 25 WORKER, health officer, or designee of a health officer shall give the petition to a
- 26 peace officer.
- 27 (2) The peace officer shall explain to the petitioner:
- 28 (i) The serious nature of the petition; and
- 29 (ii) The meaning and content of the petition.

1 10-623.

2 (a) If the petitioner under Part IV of this subtitle is not a physician, a
3 psychologist, A CLINICAL SOCIAL WORKER, a health officer or designee of a health
4 officer, or a peace officer, the petitioner shall present the petition to the court for
5 immediate review.

6 (b) After review of the petition, the court shall endorse the petition if the court
7 finds probable cause to believe that the emergency evaluatee has shown the symptoms
8 of a mental disorder and that there appears to be clear and imminent danger of the
9 emergency evaluatee's doing bodily harm to the emergency evaluatee or another.

10 (c) If the court does not find probable cause, the court shall indicate that fact
11 on the petition, and no further action may be taken under the petition.

12 10-624.

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

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

17 (ii) Is signed and submitted by a physician, a psychologist, A
18 CLINICAL SOCIAL WORKER, a health officer or designee of a health officer, or a peace
19 officer.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2001.