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By: **Delegate Stocksdale**

Introduced and read first time: February 15, 2001

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Law - Emergency Evaluations - Petitions and Procedures**

3 FOR the purpose of altering certain procedures in petitioning for the emergency  
4 evaluation of an individual who may have a mental disorder and may constitute  
5 a clear and imminent danger to that individual or others; requiring that certain  
6 additional information be included in the petition; altering a certain immunity  
7 from liability granted to petitioners, custodial peace officers, facilities  
8 conducting emergency evaluations, and agents or employees of facilities  
9 conducting emergency evaluations; and generally relating to petitions and  
10 procedures in emergency evaluations relating to mental disorders.

11 BY repealing and reenacting, without amendments,  
12 Article - Health - General  
13 Section 10-620  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article - Health - General  
18 Section 10-622 through 10-624 and 10-629  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume)

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

23 **Article - Health - General**

24 10-620.

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

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

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

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

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

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

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

12 (ii) To a physician or psychologist doing an examination, at least  
13 one mental disorder that is described in the version of the American Psychiatric  
14 Association's "Diagnostic and Statistical Manual -- Mental Disorders" that is current  
15 at the time of the examination.

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

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

21 10-622.

22 (a) A petition for emergency evaluation of an individual may be made under  
23 this section only if the petitioner, **BASED ON THE PERSONAL KNOWLEDGE OF THE**  
24 **PETITIONER**, has reason to believe that the individual has a mental disorder and that  
25 there is clear and imminent danger of the individual's doing bodily harm to the  
26 individual or another.

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

28 (1) A physician, a psychologist, or a health officer or designee of a health  
29 officer who has examined the individual;

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

31 (3) Any other interested person.

32 (c) (1) A petition under this section shall:

33 (i) Be signed and verified by the petitioner;

34 (ii) State the petitioner's:

- 1                                   1.       Name;
- 2                                   2.       Address; and
- 3                                   3.       Home and work telephone numbers;
- 4                                   (iii)   State the emergency evaluatee's:
- 5                                   1.       Name; and
- 6                                   2.       Description;
- 7                                   (iv)   State the following information[, if available]:
- 8                                   1.       The address of the emergency evaluatee; and
- 9                                   2.       The [name and address] NAME, ADDRESS, AND
- 10 TELEPHONE NUMBER of the spouse or a child, parent, or other relative of the
- 11 emergency evaluatee or any other individual who is interested in the emergency
- 12 evaluatee;
- 13                                   (v)   Contain a description of the behavior and statements of the
- 14 emergency evaluatee that led the petitioner to believe that the emergency evaluatee has
- 15 a mental disorder and that there is clear and imminent danger of the emergency
- 16 evaluatee's doing bodily harm to the emergency evaluatee or another; and
- 17                                   (vi)   Contain any other facts that support the need for an emergency
- 18 evaluation.
- 19                                   (2)   IF A REQUIRED STATEMENT IS NOT INCLUDED IN THE PETITION,
- 20 THE PETITIONER SHALL NOTE IN THE PETITION THE ABSENCE OF THE STATEMENT
- 21 AND INCLUDE THE REASON THAT THE STATEMENT IS ABSENT.
- 22   [(2)]   (D)   The petition form shall contain a notice that the petitioner:
- 23                                   [(i)]   (1)   May be required to appear before a court; and
- 24                                   [(ii)]  (2)   Makes the statements under penalties of perjury.
- 25   [(d)]   (E)   (1)   A petitioner who is a physician, psychologist, health officer, or
- 26 designee of a health officer shall give the petition to a 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 health officer or designee of a health officer, or a peace officer, the  
4 petitioner shall present the petition to the court for immediate review.

5 (b) (1) After review of the petition AND A HEARING AT WHICH THE  
6 PETITIONER MUST BE PRESENT AND MUST TESTIFY UNDER OATH, the court [shall]  
7 MAY endorse the petition if the court finds probable cause to believe that the  
8 emergency evaluatee has shown the symptoms of a mental disorder and that there  
9 appears to be clear and imminent danger of the emergency evaluatee's doing bodily  
10 harm to the emergency evaluatee or another.

11 (2) IF APPROPRIATE, THE COURT MAY CONTACT THE SPOUSE OR A  
12 CHILD, PARENT, OR OTHER RELATIVE OF THE EMERGENCY EVALUEE OR ANY OTHER  
13 INDIVIDUAL WHO IS INTERESTED IN THE EMERGENCY EVALUEE.

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

16 10-624.

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

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

21 (ii) Is signed and submitted by a physician, a psychologist, a health  
22 officer or designee of a health officer, or a peace officer.

23 (2) After a peace officer takes the emergency evaluatee to an emergency  
24 facility, the peace officer need not stay unless, because the emergency evaluatee is  
25 violent, a physician asks the supervisor of the peace officer to have the peace officer  
26 stay.

27 (3) A peace officer shall stay until the supervisor responds to the request  
28 for assistance. If the emergency evaluatee is violent, the supervisor shall allow the  
29 peace officer to stay.

30 (4) If a physician asks that a peace officer stay, a physician shall  
31 examine the emergency evaluatee as promptly as possible.

32 (b) (1) If the petition is executed properly, the emergency facility shall  
33 accept the emergency evaluatee.

34 (2) WITHIN 2 HOURS OF ACCEPTING AN EMERGENCY EVALUEE, IF  
35 CLINICALLY APPROPRIATE, THE EMERGENCY FACILITY SHALL IMMEDIATELY  
36 CONTACT THE SPOUSE, CHILD, PARENT, OR OTHER RELATIVE OF THE EMERGENCY  
37 EVALUEE OR ANY OTHER INDIVIDUAL OF THE EMERGENCY EVALUEE'S CHOICE.

1            [(2)]    (3)    Within 6 hours after an emergency evaluatee is brought to an  
2 emergency facility, a physician shall examine the emergency evaluatee, to determine  
3 whether the emergency evaluatee meets the requirements for involuntary admission.

4            [(3)]    (4)    Promptly after the examination, the emergency evaluatee shall be  
5 released unless the emergency evaluatee:

6                    (i)    Asks for voluntary admission; or

7                    (ii)   Meets the requirements for involuntary admission.

8            [(4)]    (5)    An emergency evaluatee may not be kept at an emergency facility  
9 for more than 30 hours.

10 10-629.

11        (a)    [Any petitioner who submits or completes a petition under Part IV of this  
12 subtitle] A PETITIONER WHO ACTS IN GOOD FAITH AND WITH REASONABLE CAUSE  
13 shall have the immunity from liability described under § 5-624(b) of the Courts and  
14 Judicial Proceedings Article.

15        (b)    Any peace officer who acts as a custodian of an emergency evaluatee shall  
16 have the immunity from liability described under § 5-624(c) of the Courts and  
17 Judicial Proceedings Article.

18        (c)    An emergency facility that acts in compliance with the provisions of Part  
19 IV of this subtitle shall have the immunity from liability described under § 5-624(d)  
20 of the Courts and Judicial Proceedings Article.

21        (d)    An agent or employee of an emergency facility who acts in compliance with  
22 the provisions of Part IV of this subtitle shall have the immunity from liability  
23 described under § 5-624(e) of the Courts and Judicial Proceedings Article.

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