By: Delegates Sher, Frush, D. Davis, Rosenberg, Turner, Billings, Cryor, Goldwater, Grosfeld, Hammen, Mandel, Montague, and Nathan-Pulliam

Introduced and read first time: February 8, 2002 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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3	

Mental Hygiene - Involuntary Admission, Emergency Evaluation, and Clinical Review - Standards

4 FOR the purpose of modifying certain standards for involuntary admissions of

- 5 individuals with mental disorders to certain facilities or a Veterans'
- 6 Administration hospital under certain circumstances; modifying certain
- 7 standards for emergency evaluations of individuals with mental disorders under
- 8 certain circumstances; modifying certain standards for clinical review panel
- 9 approval; defining certain terms; making stylistic changes; and generally
- 10 relating to standards for involuntary admissions, emergency evaluations, and a
- 11 clinical review panel of individuals with mental disorders.

12 BY renumbering

- 13 Article Health General
- 14 Section 10-631 through 10-633, respectively
- 15 to be Section 10-632 through 10-634, respectively
- 16 Annotated Code of Maryland
- 17 (2000 Replacement Volume and 2001 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Health General
- 20 Section 10-613, 10-617(a), 10-622(a) and (c), 10-623(b), 10-626(a), and
- 21 10-708(g)
- 22 Annotated Code of Maryland
- 23 (2000 Replacement Volume and 2001 Supplement)
- 24 BY repealing and reenacting, without amendments,
- 25 Article Health General
- 26 Section 10-620(a) and 10-708(a)
- 27 Annotated Code of Maryland
- 28 (2000 Replacement Volume and 2001 Supplement)

- 1 BY adding to
- 2 Article Health General
- 3 Section 10-620(g) and (h) and 10-631
- 4 Annotated Code of Maryland
- 5 (2000 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, without amendments,

- 7 Article Health General
- 8 Section 10-633(a)
- 9 Annotated Code of Maryland
- 10 (2000 Replacement Volume and 2001 Supplement)
- 11 (As enacted by Section 1 of this Act)

12 BY repealing and reenacting, with amendments,

- 13 Article Health General
- 14 Section 10-633(e)
- 15 Annotated Code of Maryland
- 16 (2000 Replacement Volume and 2001 Supplement)
- 17 (As enacted by Section 1 of this Act)
- 18

Preamble

19 WHEREAS, Timely treatment of serious mental illnesses can prevent suicide 20 and harm to others; and

21 WHEREAS, Timely treatment of serious mental illness can prevent the inability 22 of the individual to care for himself or herself and resulting homelessness; and

WHEREAS, Timely treatment of serious mental illness can prevent the
 individual's criminalization and incarceration resulting from behavior caused by
 untreated illness; and

WHEREAS, The State of Maryland is committed to the medically appropriate treatment of serious mental illness; and

WHEREAS, The State has an interest in preserving the lives and protecting thesafety of all of its citizens; now, therefore,

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That Section(s) 10-631 through 10-633, respectively, of Article -

32 Health - General of the Annotated Code of Maryland be renumbered to be Section(s)

33 10-632 through 10-634, respectively.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 35 read as follows:

3	HOUSE BILL 923						
1	Article - Health - General						
2	10-613.						
3 4	(A) In Part III of this subtitle[, "involuntary admission"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.						
	(B) "INVOLUNTARY ADMISSION" includes every admission of a minor to a State facility unless the admission is a voluntary admission authorized under Part II of this subtitle.						
10 11 12 13 14	(C) "INCAPABLE OF MAKING AN INFORMED DECISION" MEANS THAT AN INDIVIDUAL IS UNAWARE OF THE EFFECTS OF THE INDIVIDUAL'S PSYCHIATRIC DISORDER OR THAT THE INDIVIDUAL LACKS THE CAPACITY TO MAKE A WELL-REASONED, WILLFUL, AND KNOWING DECISION CONCERNING THE INDIVIDUAL'S MEDICAL OR PSYCHIATRIC TREATMENT, TAKING INTO CONSIDERATION THE HISTORY, IF AVAILABLE, OF THE INDIVIDUAL'S NONCOMPLIANCE WITH TREATMENT OR OF CRIMINAL ACTS RELATED TO THE INDIVIDUAL'S MENTAL ILLNESS.						
16	(D) "GRAVELY DISABLED" MEANS THAT AN INDIVIDUAL:						
17	(1) IS INCAPABLE OF MAKING AN INFORMED DECISION; AND						
20 21 22 23	(2) HAS BEHAVED IN SUCH A MANNER AS TO INDICATE THAT THE INDIVIDUAL IS UNLIKELY, WITHOUT THE SUPERVISION AND THE ASSISTANCE OF OTHERS, TO SATISFY THE INDIVIDUAL'S NEED FOR NOURISHMENT, PERSONAL OR MEDICAL CARE, SHELTER, OR SELF-PROTECTION AND SAFETY, SO THAT IT IS PROBABLE THAT SUBSTANTIAL BODILY HARM, SIGNIFICANT PSYCHIATRIC DETERIORATION OR DEBILITATION, OR SERIOUS ILLNESS WILL RESULT UNLESS ADEQUATE TREATMENT IS AFFORDED.						
25	10-617.						
	26 (a) A facility or Veterans' Administration hospital may not admit the 27 individual under Part III of this subtitle unless:						
28	(1) The individual has a mental disorder;						
29	(2) The individual needs inpatient care or treatment;						
30	(3) The individual:						
31 32	(I) [presents] PRESENTS a danger to the life or safety of the individual or of others;						
33 34	(II) HAS RECENTLY CAUSED SIGNIFICANT DAMAGE TO THE PROPERTY OF OTHERS, NOT INCLUDING GENUINE ACCIDENTS; OR						
35	(III) IS GRAVELY DISABLED;						

4	HOUSE BILL 923			
1	(4)	The inc	lividual is unable or unwilling to be admitted voluntarily; and	
2 3 consistent	(5) There is no available, less restrictive form of intervention that is onsistent with the welfare and safety of the individual.			
4 10-620.				
5 (a) 6 indicated.	In Part	IV of thi	s subtitle the following words have the meanings	
7 (G) 8 STATED I			OF MAKING AN INFORMED DECISION" HAS THE MEANING IS SUBTITLE.	
9 (H) 10 SUBTITL		VELY DI	SABLED" HAS THE MEANING STATED IN § 10-613 OF THIS	
11 10-622.				
14 mental dis	 (a) A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual has a mental disorder and that [there is clear and imminent danger of the individual's doing bodily harm to the individual or another] THE INDIVIDUAL: 			
16 17 SAFETY	(1) OF THE I		SONABLY EXPECTED TO PRESENT A DANGER TO THE LIFE OR UAL OR OTHERS, IN THE FORESEEABLE FUTURE;	
18 19 SUBSTAN	(2) NTIAL PH		ECENTLY CAUSED SIGNIFICANT DAMAGE TO THE Y OF OTHERS, NOT INCLUDING GENUINE ACCIDENTS; OR	
20	(3)	IS GRA	VELY DISABLED.	
21 (c)	(1)	A petit	on under this section shall:	
22		(i)	Be signed and verified by the petitioner;	
23		(ii)	State the petitioner's:	
24			1. Name;	
25			2. Address; and	
26			3. Home and work telephone numbers;	
27		(iii)	State the emergency evaluee's:	
28			1. Name; and	
29			2. Description;	
30		(iv)	State the following information, if available:	

HOUSE BILL 923

1			1.	The address of the emergency evaluee; and
	other relative of the em the emergency evaluee:		2. evaluee	The name and address of the spouse or a child, parent, or or any other individual who is interested in
7 8	emergency evaluee that a mental disorder and [that ther	petitione e is clear	a description of the behavior and statements of the er to believe that the emergency evaluee has r and imminent danger of the emergency gency evaluee or another;] THAT THE
		ΓY OF Ί	1. THE IND	IS REASONABLY EXPECTED TO PRESENT A DANGER TO IVIDUAL OR OTHERS, IN THE FORESEEABLE
13 14		PERTY	2. OF OTH	HAS RECENTLY CAUSED SIGNIFICANT DAMAGE TO THE HERS, NOT INCLUDING GENUINE ACCIDENTS; OR
15			3.	IS GRAVELY DISABLED; and
16 17	(evaluation.	(vi)	Contain	any other facts that support the need for an emergency
18	(2)	The peti	tion form	n shall contain a notice that the petitioner:
19	((i)	May be	required to appear before a court; and
20	((ii)	Makes t	he statements under penalties of perjury.
		AKING	AN INF	FORM SHALL CONTAIN THE DEFINITIONS OF ORMED DECISION" AND "GRAVELY DISABLED" AS 'ITLE.
24	10-623.			
27 28	finds probable cause to of a mental disorder an	believe d that [1	e that the there app	n, the court shall endorse the petition if the court emergency evaluee has shown the symptoms bears to be clear and imminent danger of the n to the emergency evaluee or another] THE
30 31				LY EXPECTED TO PRESENT A DANGER TO THE LIFE OR OTHERS, IN THE FORESEEABLE FUTURE;
32 33				Y CAUSED SIGNIFICANT DAMAGE TO THE HERS, NOT INCLUDING GENUINE ACCIDENTS; OR

34 (3) IS GRAVELY DISABLED.

HOUSE BILL 923

1 10-626.

2 (a) A court may order, at any time, an emergency evaluation under Part IV of

3 this subtitle of an individual who has been arrested, if the court finds probable cause

4 to believe that the individual has a mental disorder and [there appears to be clear

5 and imminent danger of the individual's doing bodily harm to the individual or 6 another.] THE INDIVIDUAL:

6 another.] THE INDIVIDUAL:

7 (1) IS REASONABLY EXPECTED TO PRESENT A DANGER TO THE LIFE OR 8 SAFETY OF THE INDIVIDUAL OR OTHERS, IN THE FORESEEABLE FUTURE;

9 (2) HAS RECENTLY CAUSED SIGNIFICANT DAMAGE TO THE 10 SUBSTANTIAL PROPERTY OF OTHERS, NOT INCLUDING GENUINE ACCIDENTS; OR

11 (3) IS GRAVELY DISABLED.

12 10-631.

13 (A) IN PART V OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE 14 MEANINGS INDICATED.

15 (B) "INCAPABLE OF MAKING AN INFORMED DECISION" HAS THE MEANING 16 STATED IN § 10-613 OF THIS SUBTITLE.

17 (C) "GRAVELY DISABLED" HAS THE MEANING STATED IN § 10-613 OF THIS 18 SUBTITLE.

19 10-633.

20 (a) Any individual proposed for involuntary admission under Part III of this 21 subtitle shall be afforded a hearing to determine whether the individual is to be 22 admitted to a facility or a Veterans' Administration hospital as an involuntary patient

23 or released without being admitted.

24 (e) The hearing officer shall:

25 (1) Consider all the evidence and testimony of record; and

26 (2) Order the release of the individual from the facility unless the record 27 demonstrates by clear and convincing evidence that at the time of the hearing each of 28 the following elements exist as to the individual whose involuntary admission is

29 sought:

30	(i)	The individual has a mental disorder;
31	(ii)	The individual needs in-patient care or treatment;
32	(iii)	The individual:
33 34 individual or of othe		1. [presents] PRESENTS a danger to the life or safety of the

34 individual or of others;

6

7			HOUSE BILL 923	
1 2	SUBSTANTIAL PRO	OPERTY	2. HAS RECENTLY CAUSED SIGNIFICAN OF OTHERS, NOT INCLUDING GENUINE ACCII	
3			3. IS GRAVELY DISABLED;	
4 5	to the facility;	(iv)	The individual is unable or unwilling to be voluntaril	y admitted
6 7	consistent with the w	(v) elfare and	There is no available less restrictive form of interven safety of the individual; and	tion that is
10			f the individual is 65 years old or older and is to be a s been evaluated by a geriatric evaluation team and or treatment was determined by the team to be	idmitted to
12	10-708.			
13	(a) (1)	In this s	ction the following words have the meanings indicate	ed.
		ction, wh	neans a clinical review panel that determines, under the to approve that medication be administered to an edication.	he
17 18	(3) treatment of a menta		on" means psychiatric medication prescribed for the	
19 20	(4) about mental health		sor" means an individual at a facility, who is knowled who assists individuals with rights complaints.	dgeable
			prove the administration of medication or medication we alternative medications if the panel determines	S
24 25	(1) treating the individua		cation is prescribed by a psychiatrist for the purpose disorder;	of
26 27	(2) professional judgmen		nistration of medication represents a reasonable exer	cise of
28 29	(3) continued hospitaliza		he medication, the individual is at substantial risk of se of:	
32	mental illness sympt	THE CRI	Remaining seriously mentally ill with no significant use the individual to [be a danger to the individual ERIA FOR INVOLUNTARY ADMISSION UNDE	
34		(ii)	Remaining seriously mentally ill for a significantly le	onger

34 (ii) Remaining seriously mentally ill for a significantly longer 35 period of time with mental illness symptoms that cause the individual to [be a danger

HOUSE BILL 923

1 to the individual or to others] MEET THE CRITERIA FOR INVOLUNTARY ADMISSION 2 UNDER \$ 10.617(A)(3) OF THIS TITLE: or

2 UNDER § 10-617(A)(3) OF THIS TITLE; or

3 (iii) Relapsing into a condition in which the individual is [in danger

4 of serious physical harm resulting from the individual's inability to provide for the

5 individual's essential human needs of health or safety] UNLIKELY TO SATISFY THE

6 INDIVIDUAL'S NEED FOR NOURISHMENT, PERSONAL OR MEDICAL CARE, SHELTER,

7 OR SELF-PROTECTION AND SAFETY, SO THAT IT IS PROBABLE THAT SUBSTANTIAL

8 BODILY HARM, SIGNIFICANT PSYCHIATRIC DETERIORATION OR DEBILITATION, OR 9 SERIOUS ILLNESS WILL RESULT.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 11 October 1, 2002.