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2002 Regular Session 2lr1888 CF 2lr1313

By: Senators Green and Forehand

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerni	ng
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- 2 Mental Hygiene Involuntary Admission, Emergency Evaluation, and 3 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
- 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
- relating to standards for involuntary admissions, emergency evaluations, and a
- clinical review panel of individuals with mental disorders.
- 12 BY renumbering
- 13 Article Health General
- Section 10-631 through 10-633, respectively
- 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)
- 29 BY adding to

- 1 Article Health General
- 2 Section 10-620(g) and (h) and 10-631
- 3 Annotated Code of Maryland
- 4 (2000 Replacement Volume and 2001 Supplement)
- 5 BY repealing and reenacting, without amendments,
- 6 Article Health General
- 7 Section 10-633(a)
- 8 Annotated Code of Maryland
- 9 (2000 Replacement Volume and 2001 Supplement)
- 10 (As enacted by Section 1 of this Act)
- 11 BY repealing and reenacting, with amendments,
- 12 Article Health General
- 13 Section 10-633(e)
- 14 Annotated Code of Maryland
- 15 (2000 Replacement Volume and 2001 Supplement)
- 16 (As enacted by Section 1 of this Act)
- 17 Preamble
- WHEREAS, Timely treatment of serious mental illnesses can prevent suicide
- 19 and harm to others; and
- WHEREAS, Timely treatment of serious mental illness can prevent the
- 21 inability of the individual to care for himself or herself and resulting homelessness;
- 22 and
- 23 WHEREAS, Timely treatment of serious mental illness can prevent the
- 24 individual's criminalization and incarceration resulting from behavior caused by
- 25 untreated illness; and
- WHEREAS, The State of Maryland is committed to the medically appropriate
- 27 treatment of serious mental illness; and
- WHEREAS, The State has an interest in preserving the lives and protecting the
- 29 safety 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:

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 27	(a) A facility or Veterans' Administration hospital may not admit the 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;

1		(4)	The indi	vidual is	unable or unwilling to be admitted voluntarily; and
2 3	consistent wi	(5) ith the we			able, less restrictive form of intervention that is f the individual.
4	10-620.				
5 6	(a) indicated.	In Part I	V of this	subtitle t	he following words have the meanings
7 8	(G) STATED IN				NG AN INFORMED DECISION" HAS THE MEANING ITLE.
9 10	(H) SUBTITLE.		ELY DIS	SABLED'	' HAS THE MEANING STATED IN § 10-613 OF THIS
11	10-622.				
14	mental disor	only if the	e petition hat [there	er has rea	evaluation of an individual may be made under ason to believe that the individual has a and imminent danger of the individual's another] THE INDIVIDUAL:
16 17	SAFETY O	(1) F THE IN			LY EXPECTED TO PRESENT A DANGER TO THE LIFE OF OTHERS, IN THE FORESEEABLE FUTURE;
18 19	SUBSTANT	(2) TIAL PRO			Y CAUSED SIGNIFICANT DAMAGE TO THE HERS, NOT INCLUDING GENUINE ACCIDENTS; OR
20		(3)	IS GRA	VELY D	ISABLED.
21	(c)	(1)	A petitio	on under	this section shall:
22			(i)	Be signe	ed and verified by the petitioner;
23			(ii)	State the	e petitioner's:
24				1.	Name;
25				2.	Address; and
26				3.	Home and work telephone numbers;
27			(iii)	State the	e emergency evaluee's:
28				1.	Name; and
29				2.	Description;
30			(iv)	State the	e following information if available:

1			1.	The address of the emergency evaluee; and
	other relative of the entergency evalue		2. v evaluee	The name and address of the spouse or a child, parent, or or any other individual who is interested in
7 8	a mental disorder and	[that the	petitione re is clear	a description of the behavior and statements of the er to believe that the emergency evaluee has and imminent danger of the emergency egency evaluee or another;] THAT THE
	THE LIFE OR SAFE FUTURE;	ETY OF T	1. THE IND	IS REASONABLY EXPECTED TO PRESENT A DANGER TO IVIDUAL OR OTHERS, IN THE FORESEEABLE
13 14	SUBSTANTIAL PRO	OPERTY	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	a shall contain a notice that the petitioner:
19		(i)	May be	required to appear before a court; and
20		(ii)	Makes tl	he statements under penalties of perjury.
	(3) "INCAPABLE OF M STATED IN § 10-61	IAKING	AN INFO	FORM SHALL CONTAIN THE DEFINITIONS OF ORMED DECISION" AND "GRAVELY DISABLED" AS ITLE.
24	10-623.			
27 28	finds probable cause of a mental disorder a	to believe and that [that the there app	n, the court shall endorse the petition if the court emergency evaluee has shown the symptoms ears to be clear and imminent danger of the to the emergency evaluee or another] THE
30 31	(1) SAFETY OF THE IN			LY EXPECTED TO PRESENT A DANGER TO THE LIFE OR OTHERS, IN THE FORESEEABLE FUTURE;
32 33	(2) SUBSTANTIAL PRO			Y CAUSED SIGNIFICANT DAMAGE TO THE HERS, NOT INCLUDING GENUINE ACCIDENTS; OR
34	(3)	IS GRA	VELY D	ISABLED.

3334 individual or of others;

1.

1	10-626.						
4 5	this subtitle of to believe that	an indiv the indi danger o	vidual wh vidual ha of the ind	r, at any time, an emergency evaluation under Part IV of no has been arrested, if the court finds probable cause as a mental disorder and [there appears to be clear lividual's doing bodily harm to the individual or			
7 8	`			SONABLY EXPECTED TO PRESENT A DANGER TO THE LIFE OR AL OR OTHERS, IN THE FORESEEABLE FUTURE;			
9 10	`	*		CENTLY CAUSED SIGNIFICANT DAMAGE TO THE OF OTHERS, NOT INCLUDING GENUINE ACCIDENTS; OR			
11	1 (3	3)	IS GRA	VELY DISABLED.			
12	2 10-631.						
13 14	3 (A) II 4 MEANINGS I			THIS SUBTITLE THE FOLLOWING WORDS HAVE THE			
15 16	5 (B) "1 5 STATED IN §			F MAKING AN INFORMED DECISION" HAS THE MEANING IS SUBTITLE.			
17 18	7 (C) "0 8 SUBTITLE.	GRAVE	ELY DIS	ABLED" HAS THE MEANING STATED IN § 10-613 OF THIS			
19	9 10-633.						
22	l subtitle shall b	e afford acility of	ded a hea or a Vete	roposed for involuntary admission under Part III of this ring to determine whether the individual is to be rans' Administration hospital as an involuntary patient itted.			
24	4 (e) T	he hear	ing offic	er shall:			
25	5 (1	1)	Consider	r all the evidence and testimony of record; and			
28	Order the release of the individual from the facility unless the record demonstrates by clear and convincing evidence that at the time of the hearing each of the following elements exist as to the individual whose involuntary admission is sought:						
30)		(i)	The individual has a mental disorder;			
31	1		(ii)	The individual needs in-patient care or treatment;			
32	2		(iii)	The individual:			

[presents] PRESENTS a danger to the life or safety of the

1 2	SUBSTANTIAL I	PROPERTY	2. OF OTH	HAS RECENTLY CAUSED SIGNIFICANT DAMAGE TO THE HERS, NOT INCLUDING GENUINE ACCIDENTS; OR			
3			3.	IS GRAVELY DISABLED;			
4 5	to the facility;	(iv)	The ind	dividual is unable or unwilling to be voluntarily admitted			
6 7	consistent with the	(v) e welfare and		s no available less restrictive form of intervention that is of the individual; and			
10	(vi) If the individual is 65 years old or older and is to be admitted to a State facility, the individual has been evaluated by a geriatric evaluation team and 0 no less restrictive form of care or treatment was determined by the team to be 1 appropriate.						
12	10-708.						
13	(a) (1)	In this s	ection the	ne following words have the meanings indicated.			
	(2) provisions of this individual who ob	section, whe	ether to a	a clinical review panel that determines, under the approve that medication be administered to an on.			
17 18	(3) treatment of a me			eans psychiatric medication prescribed for the			
19 20	(4) about mental heal	"Lay ad th practice a	visor" me	neans an individual at a facility, who is knowledgeable assists individuals with rights complaints.			
	21 (g) The panel may approve the administration of medication or medications 22 and may recommend and approve alternative medications if the panel determines 23 that:						
24 25	(1) treating the indivi			is prescribed by a psychiatrist for the purpose of er;			
26 27	(2) professional judg		ninistratio	ion of medication represents a reasonable exercise of			
28 29	(3) continued hospita			dication, the individual is at substantial risk of			
32		ET THE CRI	cause the TERIA F	ning seriously mentally ill with no significant relief of the e individual to [be a danger to the individual FOR INVOLUNTARY ADMISSION UNDER §			
34 35	period of time wi	(ii) th mental illr		ning seriously mentally ill for a significantly longer aptoms that cause the individual to [be a danger			

- 1 to the individual or to others] MEET THE CRITERIA FOR INVOLUNTARY ADMISSION
- 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.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 11 October 1, 2002.