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By: **Senators Conway and Jacobs**

Introduced and read first time: January 29, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene - Emergency Evaluation Petitions - Licensed Clinical**  
3 **Marriage and Family Therapists**

4 FOR the purpose of adding licensed clinical marriage and family therapists to the  
5 professionals authorized to diagnose a mental disorder for purposes of seeking  
6 an emergency evaluation of an individual; authorizing licensed clinical marriage  
7 and family therapists to petition for an emergency evaluation and to sign and  
8 submit them to peace officers; and generally relating to licensed clinical  
9 marriage and family therapists and emergency evaluation petitions.

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 10-601, 10-620, 10-622, 10-623, and 10-624  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume and 2002 Supplement)

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

17 **Article - Health - General**

18 10-601.

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

20 (b) "Clinical social worker" means an individual who is licensed under Title 19  
21 of the Health Occupations Article to practice clinical social work.

22 (C) "LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST" MEANS AN  
23 INDIVIDUAL WHO IS LICENSED UNDER TITLE 17, SUBTITLE 3A OF THE HEALTH  
24 OCCUPATIONS ARTICLE TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY.

25 [(c)] (D) "Licensed clinical professional counselor" means an individual who  
26 is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice  
27 clinical professional counseling.

1 [(d)] (E) "Physician" means an individual who is licensed under Title 14 of  
2 the Health Occupations Article to practice medicine in this State.

3 [(e)] (F) "Psychologist" means an individual who is:

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

5 (2) Listed in the National Register of Health Service Providers in  
6 Psychology.

7 10-620.

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

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

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

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

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

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

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

22 (ii) To a physician, psychologist, clinical social worker, [or a]  
23 licensed clinical professional counselor, OR A LICENSED CLINICAL MARRIAGE AND  
24 FAMILY THERAPIST doing an examination, at least one mental disorder that is  
25 described in the version of the American Psychiatric Association's "Diagnostic and  
26 Statistical Manual - Mental Disorders" that is current at the time of the examination.

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

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

32 10-622.

33 (a) A petition for emergency evaluation of an individual may be made under  
34 this section only if the petitioner has reason to believe that the individual has a

1 mental disorder and that there is clear and imminent danger of the individual's doing  
2 bodily harm to the individual or another.

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

4 (1) A physician, a psychologist, a clinical social worker, a licensed clinical  
5 professional counselor, A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST, or  
6 a health officer or designee of a health officer who has examined the individual;

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

8 (3) Any other interested person.

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

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

11 (ii) State the petitioner's:

12 1. Name;

13 2. Address; and

14 3. Home and work telephone numbers;

15 (iii) State the emergency evaluatee's:

16 1. Name; and

17 2. Description;

18 (iv) State the following information, if available:

19 1. The address of the emergency evaluatee; and

20 2. The name and address of the spouse or a child, parent, or  
21 other relative of the emergency evaluatee or any other individual who is interested in  
22 the emergency evaluatee;

23 (v) Contain a description of the behavior and statements of the  
24 emergency evaluatee that led the petitioner to believe that the emergency evaluatee has  
25 a mental disorder and that there is clear and imminent danger of the emergency  
26 evaluatee's doing bodily harm to the emergency evaluatee or another; and

27 (vi) Contain any other facts that support the need for an emergency  
28 evaluation.

29 (2) The petition form shall contain a notice that the petitioner:

30 (i) May be required to appear before a court; and

1 (ii) Makes the statements under penalties of perjury.

2 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,  
3 licensed clinical professional counselor, LICENSED CLINICAL MARRIAGE AND FAMILY  
4 THERAPIST, health officer, or designee of a health officer shall give the petition to a  
5 peace officer.

6 (2) The peace officer shall explain to the petitioner:

7 (i) The serious nature of the petition; and

8 (ii) The meaning and content of the petition.

9 10-623.

10 (a) If the petitioner under Part IV of this subtitle is not a physician, a  
11 psychologist, a clinical social worker, a licensed clinical professional counselor, A  
12 LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST, a health officer or designee  
13 of a health officer, or a peace officer, the petitioner shall present the petition to the  
14 court for immediate review.

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

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

21 10-624.

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

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

26 (ii) Is signed and submitted by a physician, a psychologist, a clinical  
27 social worker, a licensed clinical professional counselor, A LICENSED CLINICAL  
28 MARRIAGE AND FAMILY THERAPIST, a health officer or designee of a health officer, or  
29 a peace officer.

30 (2) After a peace officer takes the emergency evaluatee to an emergency  
31 facility, the peace officer need not stay unless, because the emergency evaluatee is  
32 violent, a physician asks the supervisor of the peace officer to have the peace officer  
33 stay.

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

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

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

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

8           (3)     Promptly after the examination, the emergency evaluatee shall be  
9 released unless the emergency evaluatee:

10                   (i)     Asks for voluntary admission; or

11                   (ii)    Meets the requirements for involuntary admission.

12           (4)     An emergency evaluatee may not be kept at an emergency facility for  
13 more than 30 hours.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2003.