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By: Senators Grosfeld, Britt, Conway, Forehand, Garagiola, Green, Greenip, Schrader, Stone, and Teitelbaum

Introduced and read first time: January 31, 2003 Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable Senate action: Adopted Read second time: March 3, 2003

CHAPTER_____

1 AN ACT concerning

Mental Hygiene Administration - Emergency Evaluation - Standards and Content

4 FOR the purpose of modifying certain standards for emergency evaluations of

- 5 individuals with mental disorders; authorizing certain individuals who make a
- 6 petition for emergency evaluation to base the petition on certain information;
- 7 modifying the required elements of a petition for emergency evaluation; and
- 8 generally relating to emergency evaluations of individuals with mental
- 9 disorders.

10 BY repealing and reenacting, with amendments,

- 11 Article Health General
- 12 Section 10-622, 10-623, and 10-626
- 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:
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Article - Health - General

18 10-622.

19 (a) A petition for emergency evaluation of an individual may be made under 20 this section only if the petitioner has reason to believe that the individual:

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1 (1) [has] HAS a mental disorder [and that there is clear and imminent 2 danger of the individual's doing bodily harm to the individual or another]; AND					
3 (2) THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF 4 THE INDIVIDUAL OR OF OTHERS.					
5 (b) 6 by:	(1)	The petition for emergency evaluation of an individual may be made			
7 8 clinical pro 9 has examin		(I) A physician, a psychologist, a clinical social worker, a licensed counselor, or a health officer or designee of a health officer who lividual;			
10 [(2)] (II) A peace officer who personally has observed the individual OR 11 THE INDIVIDUAL'S BEHAVIOR; or					
12	[(3)]	(III)	Any oth	her interested person.	
 13 (2) AN INDIVIDUAL WHO MAKES A PETITION FOR EMERGENCY 14 EVALUATION UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION MAY BASE THE 15 PETITION ON: 					
16		(I)	THE E	XAMINATION OR OBSERVATION; OR	
17 18 FACTOR	S GIVINO	(II) G RISE T		R INFORMATION OBTAINED THAT IS PERTINENT TO THE ETITION.	
19 (c)	(1)	A petit	petition under this section shall:		
20		(i)	Be sign	ed and verified by the petitioner;	
21		(ii)	State th	e petitioner's:	
22			1.	Name;	
23			2.	Address; and	
24			3.	Home and work telephone numbers;	
25		(iii)	State th	e emergency evaluee's:	
26			1.	Name; and	
27			2.	Description;	
28		(iv)	State th	e following information, if available:	
29			1.	The address of the emergency evaluee; and	

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- 1 2. The name and address of the spouse or a child, parent, or
- 2 other relative of the emergency evaluee or any other individual who is interested in
- 3 the emergency evaluee;
- 4 (v) Contain a description of the behavior and statements of the
- 5 emergency evaluee OR ANY OTHER INFORMATION that led the petitioner to believe
- 6 that the emergency evaluee has a mental disorder and that [there is clear and
- 7 imminent danger of the emergency evaluee's doing bodily harm to the emergency
- 8 evaluee or another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY
- 9 OF THE INDIVIDUAL OR OF OTHERS; and
- 10
11 evaluation.(vi)Contain any other facts that support the need for an emergency12(2)The petition form shall contain a notice that the petitioner:13(i)May be required to appear before a court; and14(ii)Makes the statements under penalties of perjury.
- 15 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
 16 licensed clinical professional counselor, health officer, or designee of a health officer
 17 shall give the petition to a peace officer.
- 18 (2) The peace officer shall explain to the petitioner:
 19 (i) The serious nature of the petition; and
- 20 (ii) The meaning and content of the petition.
- 21 10-623.
- 22 (a) If the petitioner under Part IV of this subtitle is not a physician, a
- 23 psychologist, a clinical social worker, a licensed clinical professional counselor, a
- 24 health officer or designee of a health officer, or a peace officer, the petitioner shall
- 25 present the petition to the court for immediate review.

26 (b) After review of the petition, the court shall endorse the petition if the court

27 finds probable cause to believe that the emergency evaluee has shown the symptoms

- 28 of a mental disorder and that [there appears to be clear and imminent danger of the
- 29 emergency evaluee's doing bodily harm to the emergency evaluee or another] THE
 30 INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR
 31 OF OTHERS.

32 (c) If the court does not find probable cause, the court shall indicate that fact 33 on the petition, and no further action may be taken under the petition.

34 10-626.

(a) A court may order, at any time, an emergency evaluation under Part IV of
 this subtitle of an individual who has been arrested, if the court finds probable cause

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

2 and imminent danger of the individual's doing bodily harm to the individual or

3 another] THE INDIVIDUAL PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE

4 INDIVIDUAL OR OF OTHERS.

5 (b) The court order for an emergency evaluation shall state the grounds.

6 (c) Unless the court directs otherwise, an individual who is taken to an 7 emergency facility under this section shall stay in the custody of the peace officer 8 until the individual either is admitted to an appropriate facility or returned to the 9 court or an appropriate jail.

10 (d) If an individual was detained lawfully before the court ordered an 11 emergency evaluation under this section and the individual does not meet the 12 requirements for involuntary admission under this subtitle:

13 (1) The examining physician shall send a brief report of the evaluation to 14 the court; and

15 (2) The peace officer shall:

16 (i) Return to the court the individual, the court order, and the 17 report of the examining physician; or

18 (ii) If the court is not in session, take the individual to an 19 appropriate jail and, before the end of the next day that the court is in session, return 20 to the court the individual and the report of the examining physician.

21 (e) A court order under this section is a detainer against an individual until:

22 (1) The charges against the individual are dismissed, nol prossed, or23 stetted; or

24 (2) The individual appears in court.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 26 October 1, 2003.

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