

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 273

(Senator Grosfeld, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Mental Hygiene Administration - Emergency Evaluation - Standards and Content

This bill repeals the provision that a petition for emergency evaluation of an individual with a mental disorder must be based on whether the petitioner believes there is a clear and imminent danger of the individual's doing bodily harm to the individual or another. It replaces that requirement with whether the petitioner believes the individual presents a danger to the life or safety of the individual or others. The bill broadens what information a health professional or a peace officer can base the petition on by adding any information that is pertinent to the factors giving rise to the petition.

Fiscal Summary

State Effect: Although this bill may make it easier to commit a person for an emergency mental health evaluation, it is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The petition for an emergency evaluation of an individual may be made by: a physician, psychologist, clinical social worker, licensed clinical professional counselor, or health officer or designee of a health officer who has examined the individual; a peace officer who personally observed the individual; or any other interested person.

A petition from a health professional who examines the individual or a peace officer who observes the individual's behavior may have their petitions immediately implemented. If the petitioner is not a health professional or a peace officer, the petitioner must present the petition to the court for review. The court must endorse the petition if it finds probable cause to believe the emergency evaluatee has shown symptoms of a mental disorder and there is a clear and imminent danger of the emergency evaluatee's doing bodily harm to the evaluatee or another. If the court does not find probable cause, no further action may be taken on the petition.

A petition from a health professional is given to a peace officer who must take the emergency evaluatee to an emergency facility, where the evaluatee must be examined by a physician within six hours to determine whether the evaluatee meets the requirements for involuntary admission. Once an individual is at an emergency facility for evaluation, the evaluatee must be released after the examination unless the evaluatee asks for voluntary admission or meets the requirements for involuntary admission. An emergency evaluatee cannot be kept at an emergency facility for more than 30 hours.

An individual cannot be involuntarily admitted unless: (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention consistent with the welfare and safety of the individual.

Background: The Department of Health and Mental Hygiene advises that there could be a slight increase in the number petitions for emergency evaluations for a mental disorder as a result of this bill.

Additional Information

Prior Introductions: None.

Cross File: HB 668 (Delegate Nathan-Pulliam, *et al.*) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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