

HOUSE BILL 1433

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2004 Regular Session
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By: **Delegates Eckardt, Bozman, Goldwater, Haddaway, Hubbard, Mandel,
Murray, Nathan-Pulliam, Rudolph, Smigiel, and Walkup**

Introduced and read first time: February 25, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health - Emergency Evaluation - Psychiatric Nurses**

3 FOR the purpose of authorizing clinical nurse specialists in psychiatric and mental
4 health nursing and psychiatric nurse practitioners to file and present a petition
5 for an emergency evaluation of an individual; and generally relating to
6 emergency evaluations by psychiatric nurses.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 10-620, 10-622, 10-623, and 10-624(a)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

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

14 **Article - Health - General**

15 10-620.

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

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

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

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

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

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

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

5 (ii) To [a physician, psychologist, clinical social worker, or a
6 licensed clinical professional counselor] THE FOLLOWING HEALTH PROFESSIONALS
7 doing an examination, at least one mental disorder that is described in the version of
8 the American Psychiatric Association's "Diagnostic and Statistical Manual - Mental
9 Disorders" that is current at the time of the examination:

- 10 1. PHYSICIAN;
- 11 2. PSYCHOLOGIST;
- 12 3. CLINICAL SOCIAL WORKER;
- 13 4. LICENSED CLINICAL PROFESSIONAL COUNSELOR;
- 14 5. CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND
15 MENTAL HEALTH NURSING (APRN/PMH); OR
- 16 6. PSYCHIATRIC NURSE PRACTITIONER (CRNP-PMH).

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

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

22 10-622.

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

- 25 (1) Has a mental disorder; and
- 26 (2) The individual presents a danger to the life or safety of the individual
27 or of others.

28 (b) (1) The petition for emergency evaluation of an individual may be made
29 by:

30 (i) A physician, a psychologist, a clinical social worker, a licensed
31 clinical professional counselor, CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND
32 MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER, or a health officer
33 or designee of a health officer who has examined the individual;

1 (ii) A peace officer who personally has observed the individual or
2 the individual's behavior; or

3 (iii) Any other interested person.

4 (2) An individual who makes a petition for emergency evaluation under
5 paragraph (1)(i) or (ii) of this subsection may base the petition on:

6 (i) The examination or observation; or

7 (ii) Other information obtained that is pertinent to the factors
8 giving rise to the petition.

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 or any other information that led the petitioner to believe that the
25 emergency evaluatee has a mental disorder and that the individual presents a danger to
26 the life or safety of the individual or of others; 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, CLINICAL NURSE SPECIALIST IN
4 PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER,
5 health officer, or designee of a health officer shall give the petition to a 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,
12 CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND MENTAL HEALTH NURSING,
13 PSYCHIATRIC NURSE PRACTITIONER, a health officer or designee of a health officer,
14 or a peace officer, the petitioner shall present the petition to the court for immediate
15 review.

16 (b) After review of the petition, the court shall endorse the petition if the court
17 finds probable cause to believe that the emergency evaluatee has shown the symptoms
18 of a mental disorder and that the individual presents a danger to the life or safety of
19 the individual or of others.

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

22 10-624.

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

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

27 (ii) Is signed and submitted by a physician, a psychologist, a clinical
28 social worker, a licensed clinical professional counselor, CLINICAL NURSE SPECIALIST
29 IN PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE
30 PRACTITIONER, a health officer or designee of a health officer, or a peace officer.

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.