

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1433 (Delegate Eckardt, *et al.*)
Health and Government Operations

Mental Health - Emergency Evaluation - Psychiatric Nurses

This bill allows a clinical nurse specialist in psychiatric and mental health nursing and a psychiatric nurse practitioner to petition for an emergency evaluation of an individual if the nurse specialist or practitioner has examined the person and has reason to believe that the individual has a mental disorder and that there is clear and imminent danger of the individual doing bodily harm to himself/herself or another person.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A physician, psychologist, clinical social worker, licensed clinical professional counselor, health officer, or health officer's designee may petition for an emergency evaluation of an individual he/she has examined if the petitioner has reason to believe that the individual has a mental disorder and that there is clear and imminent danger of the individual doing bodily harm to himself/herself or another person. Additionally, a peace officer who has personally observed the individual or the individual's behavior, or any other interested person, may petition for an emergency evaluation of an individual under the above circumstances.

A petitioner who is a physician, psychologist, clinical social worker, licensed clinical professional counselor, health officer, or health officer's designee must give the petition to a peace officer. The peace officer must explain the serious nature of the petition and the meaning and context of the petition to the petitioner.

A peace officer is a sheriff, deputy sheriff, State police officer, county police officer, municipal or other local police officer, or a Secret Service agent who is a sworn special agent of the U.S. Secret Service or Treasury Department.

If the peace officer has a petition that has been endorsed by a court within the last five days or is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, health officer, health officer's designee, or peace officer, a peace officer must take an emergency evaluatee to the nearest emergency facility.

Background: There are 356 active clinical nurse specialists in psychiatric and mental health nursing and 10 active psychiatric nurse practitioners in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 873 (Senator Hollinger) – Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - March 8, 2004
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