
By: **Delegates Kelley and Vallario**

Introduced and read first time: February 10, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health - Emergency Evaluations - Nearest Available Facility**

3 FOR the purpose of requiring officers executing a petition for emergency evaluation to
4 transport an evaluatee to the nearest available emergency facility if the nearest
5 emergency facility is unable to accommodate the evaluatee.

6 BY repealing and reenacting, without amendments,
7 Article - Health - General
8 Section 10-620(d)
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 10-624(a)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

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

18 **Article - Health - General**

19 10-620.

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

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

1 10-624.

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

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

6 (ii) Is signed and submitted by a physician, a psychologist, a clinical
7 social worker, a licensed clinical professional counselor, clinical nurse specialist in
8 psychiatric and mental health nursing, psychiatric nurse practitioner, a health officer
9 or designee of a health officer, or a peace officer.

10 (2) IF THE NEAREST EMERGENCY FACILITY IS UNABLE TO
11 ACCOMMODATE THE EVALUEE, THE PEACE OFFICER SHALL TAKE THE EMERGENCY
12 EVALUEE TO THE NEAREST AVAILABLE EMERGENCY FACILITY.

13 [(2)] (3) After a peace officer takes the emergency evaluatee to an
14 emergency facility, the peace officer need not stay unless, because the emergency
15 evaluatee is violent, a physician asks the supervisor of the peace officer to have the
16 peace officer stay.

17 [(3)] (4) A peace officer shall stay until the supervisor responds to the
18 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow
19 the peace officer to stay.

20 [(4)] (5) If a physician asks that a peace officer stay, a physician shall
21 examine the emergency evaluatee as promptly as possible.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2005.