
By: Delegates Kelley and Vallario, Vallario, Benson, Boutin, Costa, Donoghue, Elliott, Frank, Hurson, Kach, Kullen, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 10, 2005

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

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:

1

Article - Health - General

2 10-620.

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

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

8 10-624.

9 (a) (1) A peace officer shall take an emergency evaluatee to the nearest
10 AVAILABLE emergency facility if the peace officer has a petition under Part IV of this
11 subtitle that:

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

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

17 ~~(2) IF THE NEAREST EMERGENCY FACILITY IS UNABLE TO~~
18 ~~ACCOMMODATE THE EVALUEE, THE PEACE OFFICER SHALL TAKE THE EMERGENCY~~
19 ~~EVALUEE TO THE NEAREST AVAILABLE EMERGENCY FACILITY.~~

20 ~~{(2)}~~ (3) After a peace officer takes the emergency evaluatee to an
21 emergency facility, the peace officer need not stay unless, because the emergency
22 evaluatee is violent, a physician asks the supervisor of the peace officer to have the
23 peace officer stay.

24 ~~{(3)}~~ (4) A peace officer shall stay until the supervisor responds to the
25 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow
26 the peace officer to stay.

27 ~~{(4)}~~ (5) If a physician asks that a peace officer stay, a physician shall
28 examine the emergency evaluatee as promptly as possible.

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

