

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 549  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, Donoghue, Mandel, Pendergrass, and V. Turner”; in line 2, after “Inpatient” insert “and Residential Crisis Services”; in line 4, after “agent” insert “, under certain circumstances,”; in line 6, after “admissions” insert “, or admissions for certain residential crisis services,”; in line 8, after “agent” insert “, under certain circumstances,”; in line 9, after “admissions” insert “or the admissions for residential crisis services”; strike beginning with “requiring” in line 11 down through “circumstances;” in line 13; in line 16, after “and” insert “determinations for”; in lines 16 and 17, strike “admission determinations” and substitute “admissions and residential crisis services admissions”; after line 17, insert:

“BY repealing and reenacting, without amendments,

Article - Health - General

Section 10-615 and 10-617(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, without amendments,

Article - Insurance

Section 15-840(a)

Annotated Code of Maryland

(2002 Replacement Volume and 2005 Supplement)”;

after line 24, insert:

“Article - Health - General

10-615.

(Over)

Each application for involuntary admission to a facility or Veterans' Administration hospital under Part III of this subtitle shall:

(1) Be in writing;

(2) Be dated;

(3) Be on the form required by:

(i) The Administration, in the case of a facility; or

(ii) The Veterans' Administration hospital, in the case of a Veterans' Administration hospital;

(4) State the relationship of the applicant to the individual for whom admission is sought;

(5) Be signed by the applicant;

(6) Be accompanied by the certificates of:

(i) 1 physician and 1 psychologist; or

(ii) 2 physicians; and

(7) Contain any other information that the Administration requires.

10-617.

(a) A facility or Veterans' Administration hospital may not admit the individual under Part III of this subtitle 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 of others;

(4) The individual is unable or unwilling to be admitted voluntarily; and

(5) There is no available, less restrictive form of intervention that is consistent with the welfare and safety of the individual.”;

and after line 25, insert:

“15-840.

(a) In this section, “residential crisis services” means intensive mental health and support services that are:

(1) provided to a child or an adult with a mental illness who is experiencing or is at risk of a psychiatric crisis that would impair the individual’s ability to function in the community;

(2) designed to prevent a psychiatric inpatient admission, provide an alternative to psychiatric inpatient admission, or shorten the length of inpatient stay;

(3) provided out of the individual’s residence on a short-term basis in a community-based residential setting; and

(4) provided by entities that are licensed by the Department of Health and Mental Hygiene to provide residential crisis services.”.

AMENDMENT NO. 2

On page 2, in line 16, after “(5)” insert “IF APPLICABLE,”; in line 19, after “ADMISSION” insert “, OR AN ADMISSION FOR RESIDENTIAL CRISIS SERVICES AS DEFINED IN § 15-840 OF THIS TITLE,”.

(Over)

AMENDMENT NO. 3

On page 3, in line 6, strike the brackets; in lines 6 and 7, strike “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A”; in line 20, after “(3)” insert “IF A PRIVATE REVIEW AGENT REQUIRES PRIOR AUTHORIZATION”; in lines 20 and 24, in each instance, after “ADMISSION” insert “, OR AN ADMISSION FOR RESIDENTIAL CRISIS SERVICES AS DEFINED IN § 15-840 OF THIS TITLE,”; and in line 21, strike the second “A” and substitute “THE”.

AMENDMENT NO. 4

On page 3, in line 28, strike “(1)”; in the same line, strike the brackets; and in lines 28 and 29, strike “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF”.

On pages 3 and 4, strike in their entirety the lines beginning with line 35 on page 3 through line 6 on page 4, inclusive.

AMENDMENT NO. 5

On page 4, in line 15, strike “A” and substitute “(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A”; in line 16, strike the brackets; in the same line, strike “72”; in lines 17, 19, and 22, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in lines 23 and 24, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; and after line 24, insert:

“(2) A PRIVATE REVIEW AGENT MAY NOT RENDER AN ADVERSE DECISION AS TO AN ADMISSION OF A PATIENT TO A HOSPITAL FOR UP TO 72 HOURS, AS DETERMINED TO BE MEDICALLY NECESSARY BY THE PATIENT’S TREATING PHYSICIAN, WHEN:

(I) THE ADMISSION IS AN INVOLUNTARY ADMISSION UNDER §§ 10-615 AND 10-617(A) OF THE HEALTH - GENERAL ARTICLE; AND

(II) THE HOSPITAL IMMEDIATELY NOTIFIES THE PRIVATE REVIEW AGENT OF:

1. THE ADMISSION OF THE PATIENT; AND

2. THE REASONS FOR THE ADMISSION.”.