

SENATE BILL 472

J1

71r0937

By: **Senator Munson**

Introduced and read first time: February 2, 2007

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2007

CHAPTER _____

1 AN ACT concerning

2 **Mental Hygiene Law – Court Records Relating to a Petition for Emergency**
3 **Evaluation – Confidentiality**

4 FOR the purpose of requiring that ~~a certain~~ certain court records relating to a petition
5 for emergency evaluation be confidential; prohibiting ~~a certain petition for~~
6 ~~emergency evaluation~~ certain court records from being divulged, except by a
7 certain order of the court; providing that a certain ~~section~~ provision of this Act
8 does not prohibit ~~a certain law enforcement agency, the Department of Health~~
9 ~~and Mental Hygiene, or a local health department~~ from having access to and
10 ~~confidential use of a certain petition for a certain purpose; providing that the~~
11 ~~Department or a local health department shall be liable for the unauthorized~~
12 ~~release of a certain petition; requiring the Department or a local health~~
13 ~~department that has accessed a certain petition to submit a certain report to a~~
14 ~~certain court within a certain period of time; certain persons from reviewing~~
15 certain court records; requiring that a certain petition for an emergency
16 evaluation be considered a mental health record; authorizing the release of the
17 petition by certain health care providers only as permitted by law; and generally
18 relating to the confidentiality of court records relating to a petition for
19 emergency evaluation.

20 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health – General
2 Section 10–630
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2006 Supplement)

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

7 **Article – Health – General**

8 **10–630.**

9 ~~(A) A PETITION FOR EMERGENCY EVALUATION, MADE UNDER PART IV~~
10 ~~OF THIS SUBTITLE ON OR AFTER JANUARY 1, 2006, IS CONFIDENTIAL AND ITS~~
11 ~~ALL COURT RECORDS RELATING TO A PETITION FOR AN EMERGENCY~~
12 ~~EVALUATION MADE UNDER THIS SUBTITLE ARE CONFIDENTIAL AND THE~~
13 ~~CONTENTS MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY~~
14 ~~ORDER OF THE COURT ON GOOD CAUSE SHOWN.~~

15 ~~(B) (1) THIS SECTION DOES NOT PROHIBIT ACCESS TO AND~~
16 ~~CONFIDENTIAL USE OF A PETITION REVIEW OF A COURT RECORD RELATING TO~~
17 ~~A PETITION BY:~~

18 ~~(I) A LAW ENFORCEMENT AGENCY IN THE INVESTIGATION~~
19 ~~AND PROSECUTION OF THE EMERGENCY EVALUEE; OR~~

20 ~~(II) THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT~~
21 ~~IF THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT IS PROVIDING~~
22 ~~TREATMENT OR CARE TO AN EMERGENCY EVALUEE WHO IS THE SUBJECT OF~~
23 ~~THE PETITION FOR A PURPOSE RELEVANT TO THE TREATMENT OR CARE.~~

24 ~~(2) THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL~~
25 ~~BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A PETITION UNDER THIS~~
26 ~~SUBSECTION.~~

27 ~~(3) WITHIN 180 DAYS AFTER THE DEPARTMENT OR A LOCAL~~
28 ~~HEALTH DEPARTMENT ACCESSES A PETITION UNDER THIS SUBSECTION, THE~~
29 ~~DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL SUBMIT A REPORT TO~~
30 ~~THE COURT DETAILING THE PURPOSES FOR WHICH THE PETITION WAS USED.~~

31 ~~(1) PERSONNEL OF THE COURT;~~

1 **(2) THE PETITIONER;**

2 **(3) THE EMERGENCY EVALUEE OR COUNSEL FOR THE**
3 **EMERGENCY EVALUEE;**

4 **(4) AUTHORIZED PERSONNEL OF THE DEPARTMENT;**

5 **(5) AUTHORIZED PERSONNEL OF THE LOCAL CORE SERVICE**
6 **AGENCY;**

7 **(6) A LAW ENFORCEMENT AGENCY; OR**

8 **(7) A PERSON AUTHORIZED BY A COURT ORDER ON GOOD CAUSE**
9 **SHOWN.**

10 **(C) A PETITION FOR AN EMERGENCY EVALUATION:**

11 **(1) SHALL BE CONSIDERED A MENTAL HEALTH RECORD UNDER**
12 **TITLE 4 OF THIS ARTICLE; AND**

13 **(2) MAY BE RELEASED BY A HEALTH CARE PROVIDER, AS**
14 **DEFINED IN § 4-301 OF THIS ARTICLE, ONLY AS PERMITTED BY LAW.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.