

CHAPTER 557

(Senate Bill 472)

AN ACT concerning

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

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

BY adding to

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

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

Article – Health – General

10–630.

(A) ~~A PETITION FOR EMERGENCY EVALUATION, MADE UNDER PART IV OF THIS SUBTITLE ON OR AFTER JANUARY 1, 2006, IS CONFIDENTIAL AND ITS~~

ALL COURT RECORDS RELATING TO A PETITION FOR AN EMERGENCY EVALUATION MADE UNDER THIS SUBTITLE ARE CONFIDENTIAL AND THE CONTENTS MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY ORDER OF THE COURT ON GOOD CAUSE SHOWN.

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

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

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

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

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

(1) PERSONNEL OF THE COURT;

(2) THE PETITIONER;

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

(4) AUTHORIZED PERSONNEL OF THE DEPARTMENT;

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

(6) A LAW ENFORCEMENT AGENCY; OR

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

(C) A PETITION FOR AN EMERGENCY EVALUATION:

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

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

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

Approved by the Governor, May 17, 2007.