

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 472

(Senator Munson)

Finance

Health and Government Operations

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

This bill specifies all court records relating to a petition for an emergency evaluation of an individual believed to have a mental disorder and who presents a danger to the life or safety of the individual or others is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order on good cause shown. This does not prohibit review of a court record relating to a petition by • court personnel; • the petitioner; • the emergency evaluatee or the evaluatee's counsel; • authorized Department of Health and Mental Hygiene (DHMH) personnel; • authorized local core service agency personnel; • a law enforcement agency; or • a person authorized by a court order on good cause shown. An emergency evaluation petition must be considered a mental health record and may be released by a health care provider only as permitted by law.

Fiscal Summary

State Effect: None. The change would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A petition for emergency evaluation of an individual may be made only if the petitioner has reason to believe that the individual has a mental disorder and presents a danger to the life or safety of the individual or others. A peace officer must take an emergency evaluatee to the nearest emergency facility if the peace officer has a

petition for emergency evaluation that has been endorsed by a court within the last five days or is signed and submitted by a specified individual. If the petition is executed properly, the emergency facility must accept the emergency evaluatee. Within six hours after being brought to an emergency facility, a physician must examine the evaluatee to determine whether the evaluatee meets the requirements for involuntary admission. Promptly after the examination, the evaluatee must be released unless the evaluatee asks for voluntary admission or meets the requirements for involuntary admission. An evaluatee may not be kept at an emergency facility for more than 30 hours.

When a medical record developed in connection with the provision of mental health services is disclosed without the authorization of a person in interest, only the information relevant to the purpose for which disclosure is sought may be released. With specified exceptions, if the disclosure of a portion of a medical record relating to a psychological test would compromise the objectivity or fairness of the test or the testing process, a mental health care provider may not disclose that portion of a medical record to any person, including a subject of a test.

State Fiscal Effect: The bill is not expected to have a fiscal impact on the State. However, the Administrative Office of the Courts advises that it cannot reliably determine at this time any potential operational impact from shielding the petitions for emergency evaluations in the automated system or the physical case files or from receiving DHMH's report detailing the purposes for which the petitions for emergency evaluations were used.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2007
ncs/jr Revised - Senate Third Reader - April 2, 2007

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