

SENATE BILL 67

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4lr0919

(PRE-FILED)

By: **Senator Middleton**

Requested: November 13, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene – Standards for Emergency Evaluation and Involuntary**
3 **Admission – Modification**

4 FOR the purpose of modifying certain standards for involuntary admissions of
5 individuals with mental disorders to certain facilities or a Veterans'
6 Administration hospital under certain circumstances; modifying certain
7 standards for emergency evaluations of individuals with mental disorders under
8 certain circumstances; defining a certain term; and generally relating to
9 standards for emergency evaluation and involuntary admission of individuals
10 with mental disorders.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 10–601, 10–617(a), 10–622(a) and (c), 10–623(b), 10–626(a), and
14 10–632(e)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2013 Supplement)

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

19 **Article – Health – General**

20 10–601.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Clinical social worker” means an individual who is licensed under Title
23 19 of the Health Occupations Article to practice clinical social work.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) “DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR OF**
 2 **OTHERS” MEANS A SUBSTANTIAL RISK, IN CONSIDERATION OF THE**
 3 **INDIVIDUAL’S CURRENT CONDITION AND, IF AVAILABLE, PERSONAL AND**
 4 **MEDICAL HISTORY, THAT:**

5 **(1) THE INDIVIDUAL WILL CAUSE BODILY HARM TO THE**
 6 **INDIVIDUAL OR ANOTHER INDIVIDUAL; OR**

7 **(2) THE INDIVIDUAL WILL SUFFER BODILY HARM, SIGNIFICANT**
 8 **PSYCHIATRIC DETERIORATION OR DEBILITATION, OR SERIOUS ILLNESS, AS A**
 9 **CONSEQUENCE OF THE INDIVIDUAL’S INABILITY, WITHOUT THE SUPERVISION**
 10 **AND ASSISTANCE OF OTHERS, TO SATISFY THE INDIVIDUAL’S NEED FOR**
 11 **NOURISHMENT, PERSONAL OR MEDICAL CARE, SHELTER, OR SELF-PROTECTION**
 12 **AND SAFETY.**

13 **[(c)] (D)** “Licensed clinical marriage and family therapist” means an
 14 individual who is licensed under Title 17, Subtitle 3A of the Health Occupations
 15 Article to practice clinical marriage and family therapy.

16 **[(d)] (E)** “Licensed clinical professional counselor” means an individual who
 17 is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice
 18 clinical professional counseling.

19 **[(e)] (F)** “Physician” means an individual who is licensed under Title 14 of
 20 the Health Occupations Article to practice medicine in this State.

21 **[(f)] (G)** “Psychologist” means an individual who is licensed under Title 18
 22 of the Health Occupations Article to practice psychology.

23 10-617.

24 **(a)** A facility or Veterans’ Administration hospital may not admit the
 25 individual under Part III of this subtitle unless:

26 **(1)** The individual has a mental disorder;

27 **(2)** The individual needs inpatient care or treatment;

28 **(3)** The individual **[presents]** **IS REASONABLY EXPECTED, IF NOT**
 29 **HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of
 30 others;

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

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

3 10-622.

4 (a) A petition for emergency evaluation of an individual may be made under
5 this section only if the petitioner has reason to believe that the individual:

6 (1) Has a mental disorder; and

7 (2) [The individual presents] **IS REASONABLY EXPECTED, IF NOT**
8 **HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of
9 others.

10 (c) (1) A petition under this section shall:

11 (i) Be signed and verified by the petitioner;

12 (ii) State the petitioner's:

13 1. Name;

14 2. Address; and

15 3. Home and work telephone numbers;

16 (iii) State the emergency evaluatee's:

17 1. Name; and

18 2. Description;

19 (iv) State the following information, if available:

20 1. The address of the emergency evaluatee; and

21 2. The name and address of the spouse or a child,
22 parent, or other relative of the emergency evaluatee or any other individual who is
23 interested in the emergency evaluatee;

24 (v) If the individual who makes the petition for emergency
25 evaluation is an individual authorized to do so under subsection (b)(1)(i) of this
26 section, contain the license number of the individual;

27 (vi) Contain a description of the behavior and statements of the
28 emergency evaluatee or any other information that led the petitioner to believe that the
29 emergency evaluatee has a mental disorder and that the individual [presents] **IS**

1 **REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life
2 or safety of the individual or of others; and

3 (vii) Contain any other facts that support the need for an
4 emergency evaluation.

5 (2) The petition form shall contain a notice that the petitioner:

6 (i) May be required to appear before a court; and

7 (ii) Makes the statements under penalties of perjury.

8 10–623.

9 (b) After review of the petition, the court shall endorse the petition if the
10 court finds probable cause to believe that the emergency evaluatee has shown the
11 symptoms of a mental disorder and that the individual [presents] **IS REASONABLY**
12 **EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the
13 individual or of others.

14 10–626.

15 (a) A court may order, at any time, an emergency evaluation under Part IV
16 of this subtitle of an individual who has been arrested, if the court finds probable
17 cause to believe that the individual has a mental disorder and the individual
18 [presents] **IS REASONABLY EXPECTED, IF NOT HOSPITALIZED, TO PRESENT** a
19 danger to the life or safety of the individual or of others.

20 10–632.

21 (e) The hearing officer shall:

22 (1) Consider all the evidence and testimony of record; and

23 (2) Order the release of the individual from the facility unless the
24 record demonstrates by clear and convincing evidence that at the time of the hearing
25 each of the following elements exist as to the individual whose involuntary admission
26 is sought:

27 (i) The individual has a mental disorder;

28 (ii) The individual needs in–patient care or treatment;

29 (iii) The individual [presents] **IS REASONABLY EXPECTED, IF**
30 **NOT HOSPITALIZED, TO PRESENT** a danger to the life or safety of the individual or of
31 others;

1 (iv) The individual is unable or unwilling to be voluntarily
2 admitted to the facility;

3 (v) There is no available less restrictive form of intervention
4 that is consistent with the welfare and safety of the individual; and

5 (vi) If the individual is 65 years old or older and is to be
6 admitted to a State facility, the individual has been evaluated by a geriatric
7 evaluation team and no less restrictive form of care or treatment was determined by
8 the team to be appropriate.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2014.