

Chapter 314

(Senate Bill 620)

AN ACT concerning

Mental Health – Approval by Clinical Review Panel of Administration of Medication – Standard

FOR the purpose of altering the standard for approval by certain clinical review panels of the administration of certain medication to certain individuals with mental disorders admitted to certain facilities; and generally relating to clinical review panels and the administration of medication to individuals with mental disorders.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–708(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–708(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

10–708.

(a) (1) In this section the following words have the meanings indicated.

(2) “Panel” means a clinical review panel that determines, under the provisions of this section, whether to approve that medication be administered to an individual who objects to the medication.

(3) “Medication” means psychiatric medication prescribed for the treatment of a mental disorder.

(4) “Lay advisor” means an individual at a facility, who is knowledgeable about mental health practice and who assists individuals with rights complaints.

(b) Medication may not be administered to an individual who refuses the medication, except:

(1) In an emergency, on the order of a physician where the individual presents a danger to the life or safety of the individual or others; or

(2) In a nonemergency, when the individual is hospitalized involuntarily or committed for treatment by order of a court and the medication is approved by a panel under the provisions of this section.

(g) The panel may approve the administration of medication or medications and may recommend and approve alternative medications if the panel determines that:

(1) The medication is prescribed by a psychiatrist for the purpose of treating the individual’s mental disorder;

(2) The administration of medication represents a reasonable exercise of professional judgment; and

(3) Without the medication, the individual is at substantial risk of continued hospitalization because of:

(i) Remaining seriously mentally ill with no significant relief of the mental illness symptoms ~~that [cause] RESULTED IN the individual [to be a danger to the individual or to others]~~ **BEING HOSPITALIZED THAT:**

1. CAUSE THE INDIVIDUAL TO BE A DANGER TO THE INDIVIDUAL OR OTHERS WHILE IN THE HOSPITAL;

2. RESULTED IN THE INDIVIDUAL BEING COMMITTED TO A HOSPITAL UNDER THIS TITLE OR TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE; OR

3. WOULD CAUSE THE INDIVIDUAL TO BE A DANGER TO THE INDIVIDUAL OR OTHERS IF RELEASED FROM THE HOSPITAL;

(ii) Remaining seriously mentally ill for a significantly longer period of time with **THE** mental illness symptoms ~~that [cause] RESULTED IN the individual [to be a danger to the individual or to others]~~ **BEING HOSPITALIZED THAT:**

1. CAUSE THE INDIVIDUAL TO BE A DANGER TO THE INDIVIDUAL OR TO OTHERS WHILE IN THE HOSPITAL;

2. RESULTED IN THE INDIVIDUAL BEING COMMITTED TO A HOSPITAL UNDER THIS TITLE OR TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE; OR

3. WOULD CAUSE THE INDIVIDUAL TO BE A DANGER TO THE INDIVIDUAL OR OTHERS IF RELEASED FROM THE HOSPITAL; or

(iii) Relapsing into a condition in which the individual is [in danger of serious physical harm resulting from the individual's inability] **UNABLE** to provide for the individual's essential human needs of health or safety.

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

Approved by the Governor, May 5, 2014.