

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1561 (Delegate Sample-Hughes)
Health and Government Operations

**Mental Health - Voluntary and Involuntary Admissions - Certification by
Psychiatric Nurse Practitioners**

This bill applies existing requirements for certificates for involuntary admission signed by physicians and psychologists to certificates for involuntary admission signed by psychiatric nurse practitioners. For voluntary and involuntary admissions, the bill defines “psychiatric nurse practitioner” as an individual who is (1) licensed as a registered nurse and certified as a nurse practitioner under the Health Occupations Article and (2) practicing in the State as a certified registered nurse practitioner-psychiatric mental health.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: A parent or guardian may apply, on behalf of a minor, for the minor’s voluntary admission to any facility that is not a State facility, a State facility that is a regional institute for children and adolescents, or the child or adolescent unit of a State facility for the treatment of a mental disorder. A facility may not admit an individual unless (1) the individual has a mental disorder; (2) the mental disorder is susceptible to care or treatment; (3) the applicant understands the nature of a request for admission; and (4) specified health care professionals have assented to the admission. For a child or adolescent unit of a State facility, assent may be given by (1) a physician and psychologist

or (2) two physicians. Pursuant to Chapter 330 of 2015, assent may also be given by one physician and one psychiatric nurse practitioner.

An application for the involuntary admission of an individual to a facility or Veterans' Administration hospital for the treatment of a mental disorder must (1) be in writing; (2) be dated; (3) be on the required form of the Behavioral Health Administration (BHA) or the Veterans' Administration hospital; (4) state the relationship of the applicant to the individual for whom admission is sought; (5) be signed by the applicant; (6) be accompanied by the certificates of either one physician and one psychologist or two physicians; and (7) contain any other information that BHA requires. Pursuant to Chapter 330 of 2015, certificates may also be given by one physician and one psychiatric nurse practitioner.

A certificate for involuntary admission may not be used if the physician or psychologist who signed the certificate either has a financial interest in the proprietary facility in which the individual's admission is sought or is related by blood or marriage to the individual or to the applicant. The bill incorporates certificates signed by psychiatric nurse practitioners into these provisions.

Additionally, within 12 hours of receiving notification from a physician or a licensed psychologist who has certified an individual for involuntary admission, the Department of Health and Mental Hygiene (DHMH) must receive and evaluate the individual for involuntary admission if certain requirements are met, including that the certifying physician or psychologist is unable to place the individual in a facility not operated by DHMH. The bill incorporates psychiatric nurse practitioners into these provisions.

Background: According to the American Psychiatric Nurses Association, psychiatric nurse practitioners are specialized nurses who work with individuals, families, groups, and communities to assess mental health needs and develop plans of care. Psychiatric nurse practitioners include Psychiatric Advanced Practice Registered Nurses (PMH-APRNs), who offer primary care services to the psychiatric-mental health population by assessing, diagnosing, and treating individuals and families with psychiatric disorders and by identifying risk factors for such disorders. PMH-APRNs often own private practices and corporations and consult with groups, communities, legislators, and corporations.

Additional Information

Prior Introductions: None.

Cross File: SB 1081 (Senator Eckardt) - Finance.

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

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md/ljm

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