

# HOUSE BILL 1289

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By: **Delegates Lam, Barkley, Gutierrez, McComas, Morhaim, and Turner**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Arrested Persons – Mental Disorder Screenings**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 and the Maryland Department of Health jointly to establish a uniform mental  
5 disorder screening procedure for screening arrested persons; establishing certain  
6 requirements for a mental disorder screening test; requiring that each arrested  
7 person detained or confined in a correctional facility be screened for a mental  
8 disorder as soon as possible, except under certain circumstances; requiring a  
9 qualified mental health professional, within a certain period of time, to conduct an  
10 assessment of an arrested person's mental health needs under certain  
11 circumstances; requiring the Department of Public Safety and Correctional Services  
12 to review certain staffing standards and, on or before a certain date, submit a certain  
13 report to the Governor and the General Assembly; defining certain terms; and  
14 generally relating to mental disorder screenings for arrested persons.

15 BY adding to

16 Article – Correctional Services

17 Section 3–610

18 Annotated Code of Maryland

19 (2017 Replacement Volume)

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

22 **Article – Correctional Services**

23 **3–610.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
25 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “MENTAL DISORDER” HAS THE MEANING STATED IN § 10–101 OF**  
2 **THE HEALTH – GENERAL ARTICLE.**

3           **(3) “QUALIFIED MENTAL HEALTH PROFESSIONAL” MEANS:**

4                   **(I) A LICENSED PHYSICIAN, INCLUDING A LICENSED PHYSICIAN**  
5 **WHO PRACTICES OSTEOPATHY OR PSYCHIATRY;**

6                   **(II) A LICENSED PSYCHOLOGIST;**

7                   **(III) A SOCIAL WORKER WHO HAS AT LEAST 1 YEAR OF**  
8 **EXPERIENCE PROVIDING DIRECT SERVICES TO INDIVIDUALS WITH A MENTAL**  
9 **DISORDER;**

10                   **(IV) A REGISTERED NURSE WHO HAS AT LEAST 1 YEAR OF**  
11 **EXPERIENCE PROVIDING DIRECT SERVICES TO INDIVIDUALS WITH A MENTAL**  
12 **DISORDER;**

13                   **(V) A CERTIFIED PSYCHIATRIC REHABILITATION PRACTITIONER**  
14 **CERTIFIED BY THE PSYCHIATRIC REHABILITATION ASSOCIATION;**

15                   **(VI) AN INDIVIDUAL WITH AT LEAST A BACHELOR’S DEGREE**  
16 **FROM AN ACCREDITED INSTITUTION OF HIGHER EDUCATION THAT INCLUDES THE**  
17 **EQUIVALENT OF 15 SEMESTER HOURS OF COURSE WORK IN A HUMAN SERVICES**  
18 **FIELD AND WHO HAS AT LEAST 3 YEARS OF EXPERIENCE PROVIDING DIRECT**  
19 **SERVICES TO INDIVIDUALS WITH A MENTAL DISORDER; OR**

20                   **(VII) ANY OTHER LICENSED MENTAL HEALTH PROFESSIONAL.**

21           **(B) (1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
22 **SERVICES AND THE MARYLAND DEPARTMENT OF HEALTH JOINTLY SHALL**  
23 **ESTABLISH A UNIFORM MENTAL DISORDER SCREENING PROCEDURE FOR**  
24 **SCREENING ARRESTED PERSONS UNDER SUBSECTION (C) OF THIS SECTION.**

25                   **(2) (I) THE MENTAL DISORDER SCREENING PROCEDURE**  
26 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DESIGNATE THE**  
27 **SCIENTIFICALLY VALIDATED TEST OR TESTS TO BE USED FOR THE MENTAL**  
28 **DISORDER SCREENING.**

29                   **(II) IN ORDER FOR A MENTAL DISORDER SCREENING TEST TO**  
30 **BE DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN EMPLOYEE OF**  
31 **A CORRECTIONAL FACILITY, OTHER THAN A HEALTH CARE PROVIDER, MUST BE**

1 CAPABLE OF ADMINISTERING THE TEST, PROVIDED THAT THE EMPLOYEE IS  
2 TRAINED IN THE ADMINISTRATION OF THE TEST.

3 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
4 EACH ARRESTED PERSON DETAINED OR CONFINED IN A CORRECTIONAL FACILITY  
5 SHALL BE SCREENED FOR A MENTAL DISORDER AS SOON AS POSSIBLE AFTER THE  
6 ARRESTED PERSON IS ADMITTED TO THE CORRECTIONAL FACILITY.

7 (2) AN ARRESTED PERSON IS NOT REQUIRED TO BE SCREENED FOR A  
8 MENTAL DISORDER IF:

9 (I) THE ARRESTED PERSON IS TRANSFERRED FROM A  
10 CORRECTIONAL FACILITY IN THE STATE TO A DIFFERENT CORRECTIONAL FACILITY  
11 IN THE STATE; AND

12 (II) THE TRANSFERRING CORRECTIONAL FACILITY PERFORMED  
13 A MENTAL DISORDER SCREENING.

14 (D) WITHIN 72 HOURS AFTER AN ARRESTED PERSON IS SCREENED FOR A  
15 MENTAL DISORDER, A QUALIFIED MENTAL HEALTH PROFESSIONAL SHALL CONDUCT  
16 AN ASSESSMENT OF THE ARRESTED PERSON'S NEED FOR MENTAL HEALTH SERVICES  
17 IF:

18 (1) THE MENTAL DISORDER SCREENING INDICATED THAT THE  
19 ARRESTED PERSON MAY HAVE A MENTAL DISORDER; AND

20 (2) THE ARRESTED PERSON CONTINUES TO BE DETAINED OR  
21 CONFINED IN A CORRECTIONAL FACILITY IN THE STATE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) The Department of Public Safety and Correctional Services shall review its  
24 correctional facility staffing standards with respect to mental disorder treatments in  
25 correctional facilities, including:

26 (1) an evaluation of the costs and benefits of the requirement in § 3-610(d)  
27 of the Correctional Services Article, as enacted by Section 1 of this Act; and

28 (2) the need for mental disorder services in all cases in which the mental  
29 disorder screening indicates the arrested person may have a mental disorder.

30 (b) On or before July 1, 2019, the Department of Public Safety and Correctional  
31 Services shall report to the Governor and, in accordance with § 2-1246 of the State  
32 Government Article, the General Assembly on the implementation of this Act and any  
33 recommendations for updating the correctional facility staffing standards and associated

1 costs.

2           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2018.