

HOUSE BILL 1635

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8lr3445
CF SB 947

By: ~~Delegates Morhaim and Pena-Melnyk~~ Delegates Morhaim, Pena-Melnyk, Angel, Barron, Hayes, Hill, Morales, Sample-Hughes, and K. Young

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2018

CHAPTER _____

1 AN ACT concerning

2 **Mental Health Law – Involuntary Admissions – ~~Requirements and Procedures~~**

3 FOR the purpose of ~~requiring the Maryland Department of Health to provide for admission~~
4 ~~of a certain emergency evaluate to a certain State facility or other certain facility~~
5 ~~within a certain period of time after a certain notification;~~ prohibiting a certain
6 hearing officer from ordering the release of an individual who meets the
7 requirements for involuntary admission under a certain provision of law on certain
8 grounds; and generally relating to the requirements and procedures for involuntary
9 admissions under the Maryland Mental Health Law.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section ~~10-625 and~~ 10-632
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – Health – General**

18 ~~10-625.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(a) If an emergency evaluator meets the requirements for an involuntary admission and is unable or unwilling to agree to a voluntary admission under this subtitle, the examining physician shall take the steps needed for involuntary admission of the emergency evaluator to an appropriate facility, which may be a general hospital with a licensed inpatient psychiatric unit.~~

~~(b) (1) If the examining physician is unable to have the emergency evaluator admitted to a facility, the physician shall notify the Department.~~

~~(2) Within 6 hours after notification, the Department shall provide for admission of the emergency evaluator to [an] A STATE FACILITY OR ANOTHER appropriate facility.~~

10-632.

(a) Any individual proposed for involuntary admission under Part III of this subtitle shall be afforded a hearing to determine whether the individual is to be admitted to a facility or a Veterans' Administration hospital as an involuntary patient or released without being admitted.

(b) The hearing shall be conducted within 10 days of the date of the initial confinement of the individual.

(c) (1) The hearing may be postponed for good cause for no more than 7 days, and the reasons for the postponement shall be on the record.

(2) A decision shall be made within the time period provided in paragraph (1) of this subsection.

(d) The Secretary shall:

(1) Adopt rules and regulations on hearing procedures; and

(2) Designate an impartial hearing officer to conduct the hearings.

(e) The hearing officer shall:

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

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

(i) The individual has a mental disorder;

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

1 (iii) The individual presents a danger to the life or safety of the
2 individual or of others;

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

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

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

10 **(F) THE HEARING OFFICER MAY NOT ORDER THE RELEASE OF AN**
11 **INDIVIDUAL WHO MEETS THE REQUIREMENTS FOR INVOLUNTARY ADMISSION**
12 **UNDER SUBSECTION (E)(2) OF THIS SECTION ON THE GROUNDS THAT THE**
13 **INDIVIDUAL WAS KEPT AT AN EMERGENCY FACILITY FOR MORE THAN 30 HOURS IN**
14 **VIOLATION OF § 10-624(B)(4) OF THIS SUBTITLE.**

15 **[(f)] (G)** The parent, guardian, or next of kin of an individual involuntarily
16 admitted under this subtitle:

17 (1) Shall be given notice of the hearing on the admission; and

18 (2) May testify at the hearing.

19 **[(g)] (H)** If a hearing officer enters an order for involuntary commitment under
20 Part III of this subtitle and the hearing officer determines that the individual cannot safely
21 possess a firearm based on credible evidence of dangerousness to others, the hearing officer
22 shall order the individual who is subject to the involuntary commitment to:

23 (1) Surrender to law enforcement authorities any firearms in the
24 individual's possession; and

25 (2) Refrain from possessing a firearm unless the individual is granted relief
26 from firearms disqualification in accordance with § 5-133.3 of the Public Safety Article.

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