

HOUSE BILL 689

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11r1803
CF SB 466

By: **Delegate McComas**

Introduced and read first time: January 26, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2021

CHAPTER _____

1 AN ACT concerning

2 **Mental Health – Assent to and Certificates for ~~Involuntary~~ Admission – Licensed**
3 **Certified Social Worker–Clinical and Licensed Clinical Professional Counselor**

4 FOR the purpose of altering a requirement that assent be given for the voluntary admission
5 of a minor to certain facilities by providing that assent may be given by a physician
6 and a licensed certified social worker–clinical or by a physician and a licensed clinical
7 professional counselor; altering a requirement that a certain certificate accompany
8 an application for involuntary admission to certain facilities by providing that the
9 certificate may be of a physician and a licensed certified social worker–clinical or a
10 physician and a licensed clinical professional counselor; altering certain provisions
11 of law related to certificates for involuntary admission to certain facilities to prohibit
12 the certificate from being used for an admission if a certain licensed certified social
13 worker–clinical or licensed clinical professional counselor has a certain interest in a
14 certain facility or a certain relationship to a certain individual; altering certain
15 provisions of law related to individuals certified for involuntary admission to require
16 the Maryland Department of Health to receive and evaluate a certain individual
17 within a certain time after receiving a certain notification from a licensed certified
18 social worker–clinical or licensed clinical professional counselor under certain
19 circumstances; making a conforming change; and generally relating to assent to and
20 certificates for ~~involuntary~~ admission to mental health facilities and, licensed
21 certified social workers–clinical, and licensed clinical professional counselors.

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 10–610, 10–615, 10–616, and 10–619

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.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2020 Supplement)

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

5 **Article – Health – General**

6 10–610.

7 (a) On behalf of a minor, a parent or guardian of the person of the minor may
8 apply, under this section, for admission of the minor to:

9 (1) Any facility that is not a State facility; or

10 (2) The following State facilities:

11 (i) A regional institute for children and adolescents; and

12 (ii) The child or adolescent unit of a State facility.

13 (b) The applicant shall submit a formal, written application that contains the
14 personal information and is on the form required by the Administration.

15 (c) A facility may not admit an individual under this section unless:

16 (1) The individual has a mental disorder;

17 (2) The mental disorder is susceptible to care or treatment;

18 (3) The applicant understands the nature of a request for admission; and

19 (4) Assent to the admission has been given:

20 (i) By the admitting physician of the facility; or

21 (ii) For a child or adolescent unit of a State facility, by:

22 1. [A] 1 physician and 1 psychologist;

23 2. 2 physicians; [or]

24 3. [A] 1 physician and 1 psychiatric nurse practitioner;

25 4. 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL
26 WORKER–CLINICAL; OR

1 **5. 1 PHYSICIAN AND 1 LICENSED CLINICAL**
2 **PROFESSIONAL COUNSELOR.**

3 (d) An admission under this section to a child or adolescent unit of a State facility
4 may not exceed 20 days.

5 10-615.

6 Each application for involuntary admission to a facility or Veterans' Administration
7 hospital under this part shall:

8 (1) Be in writing;

9 (2) Be dated;

10 (3) Be on the form required by:

11 (i) The Administration, in the case of a facility; or

12 (ii) The Veterans' Administration hospital, in the case of a Veterans'
13 Administration hospital;

14 (4) State the relationship of the applicant to the individual for whom
15 admission is sought;

16 (5) Be signed by the applicant;

17 (6) Be accompanied by the certificates of:

18 (i) 1 physician and 1 psychologist;

19 (ii) 2 physicians; [or]

20 (iii) 1 physician and 1 psychiatric nurse practitioner; [and] ~~OR~~

21 **(IV) 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL**
22 **WORKER-CLINICAL; OR**

23 **(V) 1 PHYSICIAN AND 1 LICENSED CLINICAL PROFESSIONAL**
24 **COUNSELOR; AND**

25 (7) Contain any other information that the Administration requires.

26 10-616.

27 (a) (1) A certificate for involuntary admission of an individual under this part

1 shall:

2 (i) Be based on the personal examination of the physician,
3 psychologist, [or] psychiatric nurse practitioner, ~~OR~~ **LICENSED CERTIFIED SOCIAL**
4 **WORKER-CLINICAL, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR** who signs
5 the certificate; and

6 (ii) Be in the form that the Secretary adopts, by rule or regulation.

7 (2) The rules and regulations shall require the form to include:

8 (i) A diagnosis of a mental disorder of the individual;

9 (ii) An opinion that the individual needs inpatient care or treatment;
10 and

11 (iii) An opinion that admission to a facility or Veterans'
12 Administration hospital is needed for the protection of the individual or another.

13 (b) A certificate may not be used for admission if the examination on which the
14 certificate is made was done:

15 (1) More than 1 week before the certificate is signed; or

16 (2) More than 30 days before the facility or the Veterans' Administration
17 hospital receives the application for admission.

18 (c) A certificate may not be used for an admission if the physician, psychologist,
19 [or] psychiatric nurse practitioner, ~~OR~~ **LICENSED CERTIFIED SOCIAL**
20 **WORKER-CLINICAL, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR** who signed
21 the certificate:

22 (1) Has a financial interest, through ownership or compensation, in a
23 proprietary facility and admission to that proprietary facility is sought for the individual
24 whose status is being certified; or

25 (2) Is related, by blood or marriage, to the individual or to the applicant.

26 10-619.

27 Within 12 hours of notification by a physician, licensed psychologist, [or] psychiatric
28 nurse practitioner, ~~OR~~ **LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR**
29 **LICENSED CLINICAL PROFESSIONAL COUNSELOR** who has certified an individual under
30 this part, a facility operated by the Maryland Department of Health shall receive and
31 evaluate the individual certified for involuntary admission if:

1 (1) The individual’s involuntary admission is not limited by § 10–617 of
2 this subtitle;

3 (2) An application for admission has been completed;

4 (3) A certifying physician, psychologist, [or] psychiatric nurse practitioner,
5 ~~OR~~ **LICENSED CERTIFIED SOCIAL WORKER–CLINICAL, OR LICENSED CLINICAL**
6 **PROFESSIONAL COUNSELOR** is unable to place the individual in a facility not operated
7 by the Department; and

8 (4) The Department is unable to provide for the placement of the person
9 other than in a facility operated by the Department.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.