

## Chapter 476

**(Senate Bill 466)**

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 10–610, 10–615, 10–616, and 10–619  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2020 Supplement)

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

**Article – Health – General**

10–610.

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

- (1) Any facility that is not a State facility; or
- (2) The following State facilities:

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

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

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

(c) A facility may not admit an individual under this section 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) Assent to the admission has been given:

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

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

1. [A] 1 physician and 1 psychologist;

2. 2 physicians; [or]

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

4. 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL WORKER—CLINICAL; OR

5. 1 PHYSICIAN AND 1 LICENSED CLINICAL PROFESSIONAL COUNSELOR.

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

10-615.

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

(1) Be in writing;

(2) Be dated;

- (3) Be on the form required by:
  - (i) The Administration, in the case of a facility; or
  - (ii) The Veterans' Administration hospital, in the case of a 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:
  - (i) 1 physician and 1 psychologist;
  - (ii) 2 physicians; [or]
  - (iii) 1 physician and 1 psychiatric nurse practitioner; [and] ~~OR~~
- (IV) 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL WORKER-CLINICAL; OR**
- (V) 1 PHYSICIAN AND 1 LICENSED CLINICAL PROFESSIONAL COUNSELOR; AND**
- (7) Contain any other information that the Administration requires.

10-616.

- (a) (1) A certificate for involuntary admission of an individual under this part shall:
  - (i) Be based on the personal examination of the physician, psychologist, [or] psychiatric nurse practitioner, ~~OR~~ **LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR** who signs the certificate; and
  - (ii) Be in the form that the Secretary adopts, by rule or regulation.
- (2) The rules and regulations shall require the form to include:
  - (i) A diagnosis of a mental disorder of the individual;
  - (ii) An opinion that the individual needs inpatient care or treatment;

and

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

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

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

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

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

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

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

10-619.

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

(1) The individual's involuntary admission is not limited by § 10-617 of this subtitle;

(2) An application for admission has been completed;

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.**