



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

February 9, 2021

The Honorable Delores G. Kelley
Chair, Finance Committee
3 East Miller Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 398 – Mental Health Law – Petitions for Emergency Evaluation – Procedures – Letter of Opposition

Dear Chair Kelley and Committee members:

The Maryland Board of Nursing (“the Board”) respectfully submits this letter of opposition for Senate Bill (SB) 398 – Mental Health Law – Petitions for Emergency Evaluation – Procedures. This bill requires a petitioner for emergency evaluation to take an emergency evaluatee to the nearest emergency facility. The petitioner is required to notify the emergency facility in advance that the petitioner is bringing an emergency evaluatee to the emergency facility. Additionally, this bill provides that a petitioner who brings an emergency evaluatee to an emergency facility is not required to stay with the emergency evaluatee.

In current practice, clinical nurse specialists (CNSs) in psychiatric and mental health nursing and psychiatric nurse practitioners (NPs) have the authority to issue emergency petitions. Emergency petitions serve as a vehicle for practitioners to require an individual to be evaluated for mental fitness by a psychiatrist. This allows for expedited care to an individual who may be vulnerable. It is critical for these individuals to be seen and cared for, in a timely and efficient manner.

The Board is concerned with the written language in SB 398, particularly, the requirement of a CNS or NP to physically accompany an emergency evaluatee to an emergency facility. This requirement may impose barriers to care for the emergency evaluatee. The first concern would be for the safety of the practitioner, especially if the individual under observation is violent. Transporting the individual in an ambulance may not be the most appropriate method of transportation. It is sometimes necessary for the individual to be taken to an emergency facility in a peace officer’s vehicle.

The second point of concern is if the practitioner is required to accompany an emergency evaluatee, the practitioner may second guess their decision to authorize an emergency petition. The practitioner would have to be mindful that they would be pulled away from their duties at the institution they serve for an indefinite period of time. This may cause significant delays for an individual to receive care, which could lead to serious harm or even death.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of opposition for SB 398.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", written in a cursive style.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.