

HOUSE BILL 592

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CF SB 620

By: **Delegates Morhaim and Hammen**
Introduced and read first time: January 30, 2014
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Approval by Clinical Review Panel of Administration of**
3 **Medication – Standard**

4 FOR the purpose of altering the standard for approval by certain clinical review
5 panels of the administration of certain medication to certain individuals with
6 mental disorders admitted to certain facilities; and generally relating to clinical
7 review panels and the administration of medication to individuals with mental
8 disorders.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 10–708(a) and (b)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 10–708(g)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

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

21 **Article – Health – General**

22 10–708.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Panel” means a clinical review panel that determines, under the
2 provisions of this section, whether to approve that medication be administered to an
3 individual who objects to the medication.

4 (3) “Medication” means psychiatric medication prescribed for the
5 treatment of a mental disorder.

6 (4) “Lay advisor” means an individual at a facility, who is
7 knowledgeable about mental health practice and who assists individuals with rights
8 complaints.

9 (b) Medication may not be administered to an individual who refuses the
10 medication, except:

11 (1) In an emergency, on the order of a physician where the individual
12 presents a danger to the life or safety of the individual or others; or

13 (2) In a nonemergency, when the individual is hospitalized
14 involuntarily or committed for treatment by order of a court and the medication is
15 approved by a panel under the provisions of this section.

16 (g) The panel may approve the administration of medication or medications
17 and may recommend and approve alternative medications if the panel determines
18 that:

19 (1) The medication is prescribed by a psychiatrist for the purpose of
20 treating the individual’s mental disorder;

21 (2) The administration of medication represents a reasonable exercise
22 of professional judgment; and

23 (3) Without the medication, the individual is at substantial risk of
24 continued hospitalization because of:

25 (i) Remaining seriously mentally ill with no significant relief of
26 the mental illness symptoms that [cause] **RESULTED IN** the individual [to be a danger
27 to the individual or to others] **BEING HOSPITALIZED**;

28 (ii) Remaining seriously mentally ill for a significantly longer
29 period of time with **THE** mental illness symptoms that [cause] **RESULTED IN** the
30 individual [to be a danger to the individual or to others] **BEING HOSPITALIZED**; or

31 (iii) Relapsing into a condition in which the individual is [in
32 danger of serious physical harm resulting from the individual’s inability] **UNABLE** to
33 provide for the individual’s essential human needs of health or safety.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.