

SENATE BILL 1081

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By: **Senator Eckardt**

Introduced and read first time: February 19, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Voluntary and Involuntary Admissions – Certification by**
3 **Psychiatric Nurse Practitioners**

4 FOR the purpose of defining “psychiatric nurse practitioner” for purposes of certain
5 provisions of law relating to the voluntary and involuntary admissions of individuals
6 to certain facilities for the treatment of mental disorders; prohibiting a certificate
7 signed by a psychiatric nurse practitioner for the involuntary admission of an
8 individual to certain facilities for the treatment of a mental disorder from being used
9 for an admission under certain circumstances; requiring a facility operated by the
10 Department of Health and Mental Hygiene to receive and evaluate an individual,
11 within a certain number of hours of notification by a psychiatric nurse practitioner,
12 for an involuntary admission for the treatment of a mental disorder under certain
13 circumstances; making a conforming change; and generally relating to the standards
14 for voluntary and involuntary admissions to facilities for the treatment of mental
15 disorders.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 10–601, 10–616, and 10–619
19 Annotated Code of Maryland
20 (2015 Replacement Volume)

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

23 **Article – Health – General**

24 10–601.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Clinical social worker” means an individual who is licensed under Title 19 of
2 the Health Occupations Article to practice clinical social work.

3 (c) “Licensed clinical marriage and family therapist” means an individual who is
4 licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical
5 marriage and family therapy.

6 (d) “Licensed clinical professional counselor” means an individual who is licensed
7 under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical
8 professional counseling.

9 (e) “Physician” means an individual who is licensed under Title 14 of the Health
10 Occupations Article to practice medicine in this State.

11 **(F) “PSYCHIATRIC NURSE PRACTITIONER” MEANS AN INDIVIDUAL WHO IS:**

12 **(1) LICENSED AS A REGISTERED NURSE AND CERTIFIED AS A NURSE**
13 **PRACTITIONER UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

14 **(2) PRACTICING IN THE STATE AS A CERTIFIED REGISTERED NURSE**
15 **PRACTITIONER—PSYCHIATRIC MENTAL HEALTH.**

16 **[(f)] (G)** “Psychologist” means an individual who is licensed under Title 18 of the
17 Health Occupations Article to practice psychology.

18 10–616.

19 (a) (1) A certificate for involuntary admission of an individual under Part III
20 of this subtitle shall:

21 (i) Be based on the personal examination of the physician,
22 psychologist, or psychiatric nurse practitioner who signs the certificate; and

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

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

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

26 (ii) An opinion that the individual needs inpatient care or treatment;

27 and

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

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

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

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

6 (c) A certificate may not be used for an admission if the physician [or],
7 psychologist, **OR PSYCHIATRIC NURSE PRACTITIONER** who signed the certificate:

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

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

12 10-619.

13 Within 12 hours of notification by a physician [or], licensed psychologist, **OR**
14 **PSYCHIATRIC NURSE PRACTITIONER** who has certified an individual under Part III of
15 this subtitle, a facility operated by the Department of Health and Mental Hygiene shall
16 receive and evaluate the individual certified for involuntary admission if:

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

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

20 (3) A certifying physician [or], psychologist, **OR PSYCHIATRIC NURSE**
21 **PRACTITIONER** is unable to place the individual in a facility not operated by the
22 Department; and

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2016.