

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1387 (Delegate McComas, *et al.*)
Health and Government Operations

Certificates for Involuntary Admission - Licensed Certified Social Worker-Clinical

This bill authorizes a licensed certified social worker-clinical (LCSW-C), in conjunction with a physician, to certify an individual for involuntary admission to a facility or a Veterans' Administration (VA) hospital. The bill also makes conforming changes.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Involuntary Admission Process

Under the Health-General Article, application for the involuntary admission of an individual to a facility or VA hospital may be made by any person who has a legitimate interest in the welfare of the individual. However, before the Division of Correction or the Patuxent Institution makes an application regarding an inmate in its institution, the Behavioral Health Administration (BHA) must first agree to pay the appropriate expenses.

A “facility” is defined as any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

An application for the involuntary admission of an individual to a facility or VA hospital for the treatment of a mental disorder must (1) be in writing; (2) be dated; (3) be on the required form of BHA or the VA; (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 either one physician and one psychologist, two physicians, or one physician and one psychiatric nurse practitioner; and (7) contain any other information that BHA requires.

A physician’s, psychologist’s, or psychiatric nurse practitioner’s certificate for the involuntary admission of an individual must be based on the personal examination of the physician, psychologist, or psychiatric nurse practitioner who signs the certificate. A certificate may not be used for admission if the examination was done more than one week before the certificate was signed or more than 30 days before the facility or the VA hospital received the application for admission. Likewise, a certificate of admission may not be used if the physician, psychologist, or psychiatric nurse practitioner who signed the certificate either has a financial interest in the proprietary facility in which the individual’s admission is sought or is related by blood or marriage to the individual or to the applicant. The physician’s, psychologist’s, or psychiatric nurse practitioner’s certificate must contain specified information, including (1) a diagnosis of a mental disorder of the individual; (2) an opinion that the individual needs inpatient care or treatment; and (3) an opinion that admission to a facility or VA hospital is needed for the protection of the individual or another.

The Maryland Department of Health (MDH) must receive an individual who has been certified by a physician, psychologist, or psychiatric nurse practitioner within 12 hours of receiving notice of a certification, if four specified conditions are met: (1) the individual’s involuntary admission is not limited by § 10-617 of the Health-General Article (see below); (2) an application for admission has been completed; (3) a certifying physician, psychologist, or psychiatric nurse practitioner is unable to place the individual in a facility not operated by MDH; and (4) MDH is unable to provide for the placement of the person other than in a facility operated by MDH.

The limitations under § 10-617 of the Health-General Article include that a facility or VA hospital may not admit the individual unless (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention that

is consistent with the welfare and safety of the individual. Additional restrictions apply if the individual is 65 or older.

Licensed Certified Social Worker-clinical

An LCSW-C is an individual licensed by the State Board of Social Work Examiners to “practice clinical social work,” which means to use specialized education, training, and experience to practice social work, including the additional activities of supervising other social workers; evaluation, diagnosis, and treatment of biopsychosocial conditions, mental and emotional conditions and impairments, and behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders; petitioning for emergency evaluation; and the provision of psychotherapy.

An applicant for licensure as an LCSW-C must have received a master’s degree from an accredited program, provide documentation of having completed two years as a licensee with supervised experience of at least 3,000 hours after receiving the master’s degree with at least 144 hours of periodic face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions and the provision of psychotherapy.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Legislative Services

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