

HOUSE BILL 689

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11r1803
CF SB 466

By: **Delegate McComas**

Introduced and read first time: January 26, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Certificates for Involuntary Admission – Licensed Certified Social**
3 **Worker–Clinical**

4 FOR the purpose of altering a requirement that a certain certificate accompany an
5 application for involuntary admission to certain facilities by providing that the
6 certificate may be of a physician and a licensed certified social worker–clinical;
7 altering certain provisions of law related to certificates for involuntary admission to
8 certain facilities to prohibit the certificate from being used for an admission if a
9 certain licensed certified social worker–clinical has a certain interest in a certain
10 facility or a certain relationship to a certain individual; altering certain provisions of
11 law related to individuals certified for involuntary admission to require the
12 Maryland Department of Health to receive and evaluate a certain individual within
13 a certain time after receiving a certain notification from a licensed certified social
14 worker–clinical under certain circumstances; making a conforming change; and
15 generally relating to certificates for involuntary admission to facilities and licensed
16 certified social workers–clinical.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 10–615, 10–616, and 10–619
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

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

24 **Article – Health – General**

25 10–615.

26 Each application for involuntary admission to a facility or Veterans' Administration

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 hospital under this part shall:

2 (1) Be in writing;

3 (2) Be dated;

4 (3) Be on the form required by:

5 (i) The Administration, in the case of a facility; or

6 (ii) The Veterans' Administration hospital, in the case of a Veterans'
7 Administration hospital;

8 (4) State the relationship of the applicant to the individual for whom
9 admission is sought;

10 (5) Be signed by the applicant;

11 (6) Be accompanied by the certificates of:

12 (i) 1 physician and 1 psychologist;

13 (ii) 2 physicians; [or]

14 (iii) 1 physician and 1 psychiatric nurse practitioner; [and] **OR**

15 **(IV) 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL**
16 **WORKER-CLINICAL; AND**

17 (7) Contain any other information that the Administration requires.

18 10-616.

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

21 (i) Be based on the personal examination of the physician,
22 psychologist, [or] psychiatric nurse practitioner, **OR LICENSED CERTIFIED SOCIAL**
23 **WORKER-CLINICAL** who signs the certificate; and

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

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

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

1 (ii) An opinion that the individual needs inpatient care or treatment;
2 and

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

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

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

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

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

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

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

17 10-619.

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

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

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

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

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

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