

# HOUSE BILL 32

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(PRE-FILED)

2lr1021  
CF SB 2

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By: **Delegate Bagnall**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 15, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Mental Health Law – Petitions for Emergency Evaluation – Electronic Record**

3 FOR the purpose of authorizing a petition for emergency evaluation to be in the form of an  
4 electronic record and transmitted and received electronically; and generally relating  
5 to petitions for emergency evaluation.

6 BY repealing and reenacting, with amendments,  
7 Article – Health – General  
8 Section 10–601 and 10–624  
9 Annotated Code of Maryland  
10 (2019 Replacement Volume and 2021 Supplement)

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

13 **Article – Health – General**

14 10–601.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(C) “ELECTRONIC RECORD” MEANS A DOCUMENT ~~CREATED, GENERATED,~~**  
2 **~~SENT,~~ COMMUNICATED, RECEIVED, OR STORED BY ELECTRONIC MEANS.**

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

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

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

11           **[(f)] (G)** “Psychiatric nurse practitioner” means an individual who is:

12                   (1) Licensed as a registered nurse and certified as a nurse practitioner  
13 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           **[(g)] (H)** “Psychologist” means an individual who is licensed under Title 18 of the  
17 Health Occupations Article to practice psychology.

18 10–624.

19           (a) (1) A peace officer shall take an emergency evaluatee to the nearest  
20 emergency facility if the peace officer has a petition under Part IV of this subtitle that:

21                   (i) Has been endorsed by a court within the last 5 days; or

22                   (ii) Is signed and submitted by a physician, psychologist, clinical  
23 social worker, licensed clinical professional counselor, clinical nurse specialist in  
24 psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical  
25 marriage and family therapist, health officer or designee of a health officer, or peace officer.

26                   (2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS**  
27 **SUBSECTION MAY BE ~~IN~~:**

28                           **(I) IN THE FORM OF AN ELECTRONIC RECORD; AND**

29                           **(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.**

1           **(3)** To the extent practicable, a peace officer shall notify the emergency  
2 facility in advance that the peace officer is bringing an emergency evaluatee to the emergency  
3 facility.

4           **[(3)] (4)** After a peace officer brings the emergency evaluatee to an  
5 emergency facility, the peace officer need not stay unless, because the emergency evaluatee  
6 is violent, emergency facility personnel ask the supervisor of the peace officer to have the  
7 peace officer stay.

8           **[(4)] (5)** A peace officer shall stay until the supervisor responds to the  
9 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the  
10 peace officer to stay.

11           **[(5)] (6)** If emergency facility personnel ask that a peace officer stay, a  
12 physician shall examine the emergency evaluatee as promptly as possible.

13           (b) (1) If the petition is executed properly, the emergency facility shall accept  
14 the emergency evaluatee.

15           (2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS**  
16 **SUBSECTION MAY BE ~~IN~~:**

17                   **(I) IN THE FORM OF AN ELECTRONIC RECORD; AND**

18                   **(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.**

19           **(3)** Within 6 hours after an emergency evaluatee is brought to an emergency  
20 facility, a physician shall examine the emergency evaluatee, to determine whether the  
21 emergency evaluatee meets the requirements for involuntary admission.

22           **[(3)] (4)** Promptly after the examination, the emergency evaluatee shall be  
23 released unless the emergency evaluatee:

24                   (i) Asks for voluntary admission; or

25                   (ii) Meets the requirements for involuntary admission.

26           **[(4)] (5)** An emergency evaluatee may not be kept at an emergency facility  
27 for more than 30 hours.

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2022.