

# HOUSE BILL 908

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2lr2662

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By: **Delegate Bagnall**

Introduced and read first time: February 7, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Emergency Evaluations – Modification to Peace Officer**  
3 **Transport Requirement**

4 FOR the purpose of requiring a peace officer, when the peace officer has a petition for  
5 emergency evaluation for an individual, to transport the emergency evaluatee to an  
6 emergency facility, instead of to the nearest emergency facility; and generally  
7 relating to the transport of emergency evaluatees to emergency facilities.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 10–620

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 10–624(a)

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2021 Supplement)

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

20 **Article – Health – General**

21 10–620.

22 (a) In Part IV of this subtitle the following words have the meanings indicated.

23 (b) “Court” means a district or circuit court of this State.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Emergency evaluatee" means an individual for whom an emergency evaluation  
2 is sought or made under Part IV of this subtitle.

3 (d) (1) "Emergency facility" means a facility that the Department designates,  
4 in writing, as an emergency facility.

5 (2) "Emergency facility" includes a licensed general hospital that has an  
6 emergency room, unless the Department, after consultation with the health officer,  
7 exempts the hospital.

8 (e) "Emergency facility personnel" means a physician, physician assistant, nurse  
9 practitioner, or other advanced practice professional employed or under contract with the  
10 emergency facility.

11 (f) (1) "Mental disorder" means the behavioral or other symptoms that  
12 indicate:

13 (i) To a lay petitioner who is submitting an emergency petition, a  
14 clear disturbance in the mental functioning of another individual; and

15 (ii) To the following health professionals doing an examination, at  
16 least one mental disorder that is described in the version of the American Psychiatric  
17 Association's "Diagnostic and Statistical Manual – Mental Disorders" that is current at the  
18 time of the examination:

- 19 1. Physician;
- 20 2. Psychologist;
- 21 3. Clinical social worker;
- 22 4. Licensed clinical professional counselor;
- 23 5. Clinical nurse specialist in psychiatric and mental health  
24 nursing (APRN/PMH);
- 25 6. Psychiatric nurse practitioner (CRNP–PMH); or
- 26 7. Licensed clinical marriage and family therapist.

27 (2) "Mental disorder" does not include intellectual disability.

28 (g) "Peace officer" means a sheriff, a deputy sheriff, a State police officer, a county  
29 police officer, a municipal or other local police officer, or a Secret Service agent who is a  
30 sworn special agent of the United States Secret Service or Department of Homeland  
31 Security authorized to exercise powers delegated under 18 U.S.C. § 3056.

1 10-624.

2 (a) (1) A peace officer shall take an emergency evaluatee to [the nearest] AN  
3 emergency facility if the peace officer has a petition under Part IV of this subtitle that:

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

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

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

12 (3) After a peace officer brings the emergency evaluatee to an emergency  
13 facility, the peace officer need not stay unless, because the emergency evaluatee is violent,  
14 emergency facility personnel ask the supervisor of the peace officer to have the peace officer  
15 stay.

16 (4) A peace officer shall stay until the supervisor responds to the request  
17 for assistance. If the emergency evaluatee is violent, the supervisor shall allow the peace  
18 officer to stay.

19 (5) If emergency facility personnel ask that a peace officer stay, a physician  
20 shall examine the emergency evaluatee as promptly as possible.

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