

SENATE BILL 2

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(PRE-FILED)

2lr1022
CF HB 32

By: **Senator Augustine**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

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 generally relating to petitions for emergency evaluation.

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

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

12 **Article – Health – General**

13 10–601.

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

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

17 (c) **“ELECTRONIC RECORD” MEANS A DOCUMENT CREATED, GENERATED,**
18 **SENT, COMMUNICATED, RECEIVED, OR STORED BY ELECTRONIC MEANS.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (1) Licensed as a registered nurse and certified as a nurse practitioner
8 under Title 8 of the Health Occupations Article; and

9 (2) Practicing in the State as a certified registered nurse
10 practitioner—psychiatric mental health.

11 [(g)] (H) “Psychologist” means an individual who is licensed under Title 18 of the
12 Health Occupations Article to practice psychology.

13 10–624.

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

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

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

21 (2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION MAY BE IN THE FORM OF AN ELECTRONIC RECORD.**

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

26 [(3)] (4) After a peace officer brings the emergency evaluatee to an
27 emergency facility, the peace officer need not stay unless, because the emergency evaluatee
28 is violent, emergency facility personnel ask the supervisor of the peace officer to have the
29 peace officer stay.

30 [(4)] (5) A peace officer shall stay until the supervisor responds to the
31 request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the
32 peace officer to stay.

1 ~~[(5)] (6)~~ If emergency facility personnel ask that a peace officer stay, a
2 physician shall examine the emergency evaluatee as promptly as possible.

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

5 (2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION MAY BE IN THE FORM OF AN ELECTRONIC RECORD.**

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

10 ~~[(3)] (4)~~ Promptly after the examination, the emergency evaluatee shall be
11 released unless the emergency evaluatee:

12 (i) Asks for voluntary admission; or

13 (ii) Meets the requirements for involuntary admission.

14 ~~[(4)] (5)~~ An emergency evaluatee may not be kept at an emergency facility
15 for more than 30 hours.

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