

Chapter 79

(Senate Bill 2)

AN ACT concerning

Mental Health Law – Petitions for Emergency Evaluation – Electronic Record

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

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

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

Article – Health – General

10–601.

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

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

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

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

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

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

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

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

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

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

10–624.

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

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

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

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

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

(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.

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

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

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

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

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

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

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

(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.

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

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

(i) Asks for voluntary admission; or

(ii) Meets the requirements for involuntary admission.

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

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

Approved by the Governor, April 12, 2022.