

HOUSE BILL 116

J1
HB 258/03 – HGO

8lr0972

By: **Delegates Hubbard, Benson, Montgomery, Nathan-Pulliam, Oaks, Riley, Tarrant, V. Turner, and Weldon**

Introduced and read first time: January 17, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2008

CHAPTER _____

1 AN ACT concerning

2 **Mental Hygiene – Emergency Evaluation Petitions – Licensed Clinical**
3 **Marriage and Family Therapists**

4 FOR the purpose of adding licensed clinical marriage and family therapists to the
5 professionals authorized to diagnose a mental disorder for purposes of seeking
6 an emergency evaluation of an individual; authorizing licensed clinical marriage
7 and family therapists to petition for an emergency evaluation and to sign and
8 submit the emergency evaluation to peace officers; and generally relating to
9 licensed clinical marriage and family therapists and emergency evaluation
10 petitions.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 10–601, 10–620, 10–622, 10–623, and 10–624
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2007 Supplement)

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

18 **Article – Health – General**

19 10–601.

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

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 (b) “Clinical social worker” means an individual who is licensed under Title
2 19 of the Health Occupations Article to practice clinical social work.

3 (c) **“LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST” MEANS**
4 **AN INDIVIDUAL WHO IS LICENSED UNDER TITLE 17, SUBTITLE 3A OF THE**
5 **HEALTH OCCUPATIONS ARTICLE TO PRACTICE CLINICAL MARRIAGE AND**
6 **FAMILY THERAPY.**

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

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

12 [(e)] (F) “Psychologist” means an individual who is:

13 (1) Licensed under Title 18 of the Health Occupations Article; and

14 (2) Listed in the National Register of Health Service Providers in
15 Psychology.

16 10–620.

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

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

20 (c) “Emergency evaluatee” means an individual for whom an emergency
21 evaluation is sought or made under Part IV of this subtitle.

22 (d) (1) “Emergency facility” means a facility that the Department
23 designates, in writing, as an emergency facility.

24 (2) “Emergency facility” includes a licensed general hospital that has
25 an emergency room, unless the Department, after consultation with the health officer,
26 exempts the hospital.

27 (e) (1) “Mental disorder” means the behavioral or other symptoms that
28 indicate:

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

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

- 5 1. Physician;
- 6 2. Psychologist;
- 7 3. Clinical social worker;
- 8 4. Licensed clinical professional counselor;
- 9 5. Clinical nurse specialist in psychiatric and mental
10 health nursing (APRN/PMH); [or]
- 11 6. Psychiatric nurse practitioner (CRNP–PMH); **OR**
- 12 **7. LICENSED CLINICAL MARRIAGE AND FAMILY**
13 **THERAPIST.**

14 (2) "Mental disorder" does not include mental retardation.

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

19 10–622.

20 (a) A petition for emergency evaluation of an individual may be made under
21 this section only if the petitioner has reason to believe that the individual:

22 (1) Has a mental disorder; and

23 (2) The individual presents a danger to the life or safety of the
24 individual or of others.

25 (b) (1) The petition for emergency evaluation of an individual may be
26 made by:

27 (i) A physician, a psychologist, a clinical social worker, a
28 licensed clinical professional counselor, clinical nurse specialist in psychiatric and
29 mental health nursing, psychiatric nurse practitioner, **A LICENSED CLINICAL**
30 **MARRIAGE AND FAMILY THERAPIST**, or a health officer or designee of a health
31 officer who has examined the individual;

1 (ii) A peace officer who personally has observed the individual
2 or the individual's behavior; or

3 (iii) Any other interested person.

4 (2) An individual who makes a petition for emergency evaluation
5 under paragraph (1)(i) or (ii) of this subsection may base the petition on:

6 (i) The examination or observation; or

7 (ii) Other information obtained that is pertinent to the factors
8 giving rise to the petition.

9 (c) (1) A petition under this section shall:

10 (i) Be signed and verified by the petitioner;

11 (ii) State the petitioner's:

12 1. Name;

13 2. Address; and

14 3. Home and work telephone numbers;

15 (iii) State the emergency evaluatee's:

16 1. Name; and

17 2. Description;

18 (iv) State the following information, if available:

19 1. The address of the emergency evaluatee; and

20 2. The name and address of the spouse or a child,
21 parent, or other relative of the emergency evaluatee or any other individual who is
22 interested in the emergency evaluatee;

23 (v) If the individual who makes the petition for emergency
24 evaluation is an individual authorized to do so under subsection (b)(1)(i) of this
25 section, contain the license number of the individual;

26 (vi) Contain a description of the behavior and statements of the
27 emergency evaluatee or any other information that led the petitioner to believe that the
28 emergency evaluatee has a mental disorder and that the individual presents a danger to
29 the life or safety of the individual or of others; and

1 (vii) Contain any other facts that support the need for an
2 emergency evaluation.

3 (2) The petition form shall contain a notice that the petitioner:

4 (i) May be required to appear before a court; and

5 (ii) Makes the statements under penalties of perjury.

6 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
7 licensed clinical professional counselor, clinical nurse specialist in psychiatric and
8 mental health nursing, psychiatric nurse practitioner, **LICENSED CLINICAL**
9 **MARRIAGE AND FAMILY THERAPIST**, health officer, or designee of a health officer
10 shall give the petition to a peace officer.

11 (2) The peace officer shall explain to the petitioner:

12 (i) The serious nature of the petition; and

13 (ii) The meaning and content of the petition.

14 10-623.

15 (a) If the petitioner under Part IV of this subtitle is not a physician, a
16 psychologist, a clinical social worker, a licensed clinical professional counselor, clinical
17 nurse specialist in psychiatric and mental health nursing, psychiatric nurse
18 practitioner, **A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST**, a health
19 officer or designee of a health officer, or a peace officer, the petitioner shall present the
20 petition to the court for immediate review.

21 (b) After review of the petition, the court shall endorse the petition if the
22 court finds probable cause to believe that the emergency evaluatee has shown the
23 symptoms of a mental disorder and that the individual presents a danger to the life or
24 safety of the individual or of others.

25 (c) If the court does not find probable cause, the court shall indicate that fact
26 on the petition, and no further action may be taken under the petition.

27 10-624.

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

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

31 (ii) Is signed and submitted by a physician, a psychologist, a
32 clinical social worker, a licensed clinical professional counselor, clinical nurse

1 specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, A
2 **LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST**, a health officer or
3 designee of a health officer, or a peace officer.

4 (2) After a peace officer takes the emergency evaluatee to an emergency
5 facility, the peace officer need not stay unless, because the emergency evaluatee is
6 violent, a physician asks the supervisor of the peace officer to have the peace officer
7 stay.

8 (3) 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
10 the peace officer to stay.

11 (4) If a physician asks that a peace officer stay, a physician shall
12 examine the emergency evaluatee as promptly as possible.

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

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

18 (3) Promptly after the examination, the emergency evaluatee shall be
19 released unless the emergency evaluatee:

20 (i) Asks for voluntary admission; or

21 (ii) Meets the requirements for involuntary admission.

22 (4) An emergency evaluatee may not be kept at an emergency facility for
23 more than 30 hours.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.