

HOUSE BILL 1564

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By: **Delegates Bhandari and Pena–Melnik**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Emergency Evaluations – Duties of Peace Officers and**
3 **Emergency Facilities**

4 FOR the purpose of requiring a peace officer, to the extent practicable, to notify a certain
5 emergency facility in advance that the peace officer is bringing an emergency evaluatee
6 to the emergency facility; altering the individuals who may request that a peace
7 officer stay with a certain evaluatee; defining a certain term; making conforming
8 changes; and generally relating to emergency evaluations.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 10–620 and 10–624
12 Annotated Code of Maryland
13 (2019 Replacement Volume)

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

16 **Article – Health – General**

17 10–620.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(E) “EMERGENCY FACILITY PERSONNEL” MEANS A PHYSICIAN, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, OR OTHER ADVANCED PRACTICE PROFESSIONAL EMPLOYED OR UNDER CONTRACT WITH THE EMERGENCY FACILITY.

[(e)] (F) (1) “Mental disorder” means the behavioral or other symptoms that indicate:

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

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

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

(2) “Mental disorder” does not include intellectual disability.

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

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) TO THE EXTENT PRACTICABLE, A PEACE OFFICER SHALL NOTIFY THE EMERGENCY FACILITY IN ADVANCE THAT THE PEACE OFFICER IS BRINGING AN EMERGENCY EVALUEE TO THE EMERGENCY FACILITY.

(3) After a peace officer [takes] **BRINGS** the emergency evaluatee to an emergency facility, the peace officer need not stay unless, because the emergency evaluatee is violent, [a physician asks] **EMERGENCY FACILITY PERSONNEL ASK** the supervisor of the peace officer to have the peace officer stay.

[(3)] (4) 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.

[(4)] (5) If [a physician asks] **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) 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) 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) 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, 2020.