

21. Emergency Psychiatric Evaluations

HEALTH-GENERAL ARTICLE §§ 10-601, 10-620, 10-622, 10-623, 10-629

§ 10-601. Definitions

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Clinical social worker. -- "Clinical social worker" means an individual who is licensed under Title 19 of the Health Occupations Article to practice clinical social work.
- (c) Licensed clinical marriage and family therapist. -- "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) Licensed clinical professional counselor. -- "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) Physician. -- "Physician" means an individual who is licensed under Title 14 of the Health Occupations Article to practice medicine in this State.
- (f) Psychologist. -- "Psychologist" means an individual who is:
 - (1) Licensed under Title 18 of the Health Occupations Article; and

§ 10-620. Definitions

- (a) In general. -- In Part IV of this subtitle the following words have the meanings indicated.
- (b) Court. -- "Court" means a district or circuit court of this State.
- (c) Emergency evaluatee. -- "Emergency evaluatee" means an individual for whom an emergency evaluation is sought or made under Part IV of this subtitle.
- (d) Emergency facility. --
 - (1) "Emergency facility" means a facility that the Department designates, in writing, as an emergency facility.
 - (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) Mental disorder. --

(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) Peace officer. -- "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.

§ 10-622. Petition for emergency evaluation

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

- (1) Has a mental disorder; and
- (2) The individual presents a danger to the life or safety of the individual or of others.

(b) Petitioners; basis for petition. --

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

(i) 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, or health officer or designee of a health officer who has examined the individual;

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

(iii) Any other interested person.

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

(i) The examination or observation; or

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

(c) Contents of petition. --

(1) A petition under this section shall:

(i) Be signed and verified by the petitioner;

(ii) State the petitioner's:

1. Name;

2. Address; and

3. Home and work telephone numbers;

(iii) State the emergency evaluatee's:

1. Name; and

2. Description;

(iv) State the following information, if available:

1. The address of the emergency evaluatee; and

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

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

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

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

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

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

(ii) Makes the statements under penalties of perjury.

(d) Giving to peace officer; explanation by peace officer. --

(1) A petitioner who is 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 shall give the petition to a peace officer.

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

(i) The serious nature of the petition; and

(ii) The meaning and content of the petition.

§ 10-623. Action on petition of lay petitioner

(a) Court review. -- If the petitioner under Part IV of this subtitle is not 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, the petitioner shall present the petition to the court for immediate review.

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

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

§ 10-629. Exemption from liability

(a) Petitioner. -- Any petitioner who submits or completes a petition under Part IV of this subtitle shall have the immunity from liability described under § 5-624(b) of the Courts and Judicial Proceedings Article.

(b) Peace officer. -- Any peace officer who acts as a custodian of an emergency evaluatee shall have the immunity from liability described under § 5-624(c) of the Courts and Judicial Proceedings Article.

(c) Emergency facility. -- An emergency facility that acts in compliance with the provisions of Part IV of this subtitle shall have the immunity from liability described under § 5-624(d) of the Courts and Judicial Proceedings Article.

(d) Agent or employee of emergency facility. -- An agent or employee of an emergency facility who acts in compliance with the provisions of Part IV of this subtitle shall have the immunity from liability described under § 5-624(e) of the Courts and Judicial Proceedings Article.