

20. Involuntary Psychiatric Admissions

HEALTH-GENERAL ARTICLE, §§10-601, 10-615, 10-616, 10-618

§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) *Psychiatric nurse practitioner.* — "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) *Psychologist.* — "Psychologist" means an individual who is licensed under Title 18 of the Health Occupations Article to practice psychology.

§10-615. Applications.

Each application for involuntary admission to a facility or Veterans' Administration hospital under Part III of this subtitle shall:

(1) Be in writing;

(2) Be dated;

(3) Be on the form required by:

(i) The Administration, in the case of a facility; or

(ii) The Veterans' Administration hospital, in the case of a Veterans' Administration hospital;

(4) State the relationship of the applicant to the individual for whom admission is sought;

(5) Be signed by the applicant;

- (6) Be accompanied by the certificates of:
 - (i) 1 physician and 1 psychologist;
 - (ii) 2 physicians;
 - (iii) 1 physician and 1 psychiatric nurse practitioner;
 - (iv) 1 physician and 1 licensed certified social worker-clinical; or
 - (v) 1 physician and 1 licensed clinical professional counselor; and
- (7) Contain any other information that the Administration requires.

§10-616. Certificates.

(a) *Form.* —

- (1) A certificate for involuntary admission of an individual under this part shall:

- (i) Be based on the personal examination of the physician, psychologist, psychiatric nurse practitioner, licensed certified social worker-clinical, or licensed clinical professional counselor who signs the certificate; and

- (ii) Be in the form that the Secretary adopts, by rule or regulation.

- (2) The rules and regulations shall require the form to include:

- (i) A diagnosis of a mental disorder of the individual;

- (ii) An opinion that the individual needs inpatient care or treatment; and

- (iii) An opinion that admission to a facility or Veterans' Administration hospital is needed for the protection of the individual or another.

(b) *Time limitations.* — A certificate may not be used for admission if the examination on which the certificate is made was done:

- (1) More than 1 week before the certificate is signed; or

- (2) More than 30 days before the facility or the Veterans' Administration hospital receives the application for admission.

(c) *Limitations on practitioners.* — A certificate may not be used for an admission if the physician, psychologist, psychiatric nurse practitioner, licensed certified social worker-clinical, or licensed clinical professional counselor who signed the certificate:

- (1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the individual whose status is being certified; or

- (2) Is related, by blood or marriage, to the individual or to the applicant.

§10-618. Exemption from liability.

(a) *Applicant for involuntary admission.* — A person who applies for involuntary admission of an individual shall have the immunity from liability described under § 5-623(b) of the Courts and Judicial Proceedings Article.

(b) *Facility or Veterans' Administration hospital.* — A facility or Veterans' Administration hospital that acts in compliance with the provisions of this part shall have the immunity from liability described under § 5-623(c) of the Courts and Judicial Proceedings Article.

(c) *Agent or employee of facility or Veterans' Administration hospital.* — An agent or employee of a facility or Veterans' Administration hospital who acts in compliance with the provisions of this part shall have the immunity from liability described under § 5-623(d) of the Courts and Judicial Proceedings Article.