

## 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) Psychologist. -- "Psychologist" means an individual who is:
  - (1) Licensed under Title 18 of the Health Occupations Article; and
  - (2) Listed in the National Register of Health Service Providers in 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; or
  - (ii) 2 physicians; 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 Part III of this subtitle shall:

(i) Be based on the personal examination of the physician or psychologist 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 or psychologist 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 Part III of this subtitle 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 Part III of this subtitle shall have the immunity from liability described under § 5-623(d) of the Courts and Judicial Proceedings Article.