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.