

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 195
Finance

(Senators Eckardt and Reilly)

**Mental Health - Voluntary and Involuntary Admissions - Assent and Certification
by Psychiatric Nurse Practitioners**

This bill authorizes a psychiatric nurse practitioner to fulfill both specified admission requirements for the voluntary admission of a minor to the child or adolescent unit of a State facility for the treatment of a mental disorder and specified certification requirements for the involuntary admission of an individual to a facility or Veterans' Administration hospital for the treatment of a mental disorder.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A minor may be voluntarily admitted to the child or adolescent unit of a State facility for the treatment of a mental disorder if both a physician and a psychiatric nurse practitioner assent to the admission.

An application for involuntary admission of an individual to a facility or Veterans' Administration hospital for the treatment of a mental disorder may be accompanied by the certificates of both a physician and a psychiatric nurse practitioner. The psychiatric nurse practitioner's certificate must be based on the psychiatric nurse practitioner's personal examination of the individual.

Current Law: A parent or guardian may apply, on behalf of a minor, for the minor's voluntary admission to any facility that is not a State facility, a State facility that is a regional institute for children and adolescents, or the child or adolescent unit of a State facility for the treatment of a mental disorder. A facility may not admit an individual unless (1) the individual has a mental disorder; (2) the mental disorder is susceptible to care or treatment; (3) the applicant understands the nature of a request for admission; and (4) specified health care professionals have assented to the admission. For a child or adolescent unit of a State facility, assent may be given by (1) a physician and psychologist or (2) two physicians.

An application for the involuntary admission of an individual to a facility or Veterans' Administration hospital for the treatment of a mental disorder must (1) be in writing; (2) be dated; (3) be on the required form of the Behavioral Health Administration (BHA) or the 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 either one physician and one psychologist or two physicians; and (7) contain any other information that BHA requires.

A physician's or psychologist's certificate for the involuntary admission of an individual must be based on the personal examination of the physician or psychologist who signs the certificate. A certificate may not be used for admission if the examination was done more than one week before the certificate was signed or more than 30 days before the facility or the Veterans' Administration hospital received the application for admission. Likewise, a certificate of admission may not be used if the physician or psychologist who signed the certificate either has a financial interest in the proprietary facility in which the individual's admission is sought or is related by blood or marriage to the individual or to the applicant. The physician's or psychologist's certificate must contain specified information, including (1) a diagnosis of a mental disorder of the individual; (2) an opinion that the individual needs inpatient care or treatment; and (3) an opinion that admission to a facility or Veterans' Administration hospital is needed for the protection of the individual or another.

Psychiatric nurse practitioners are currently authorized to petition for the emergency evaluation of an individual, which may result in involuntary admission of the individual, if the psychiatric nurse practitioner has reason to believe that the individual has a mental disorder and that the individual presents a danger to the life or safety of the individual or of others.

Background: According to the American Psychiatric Nurses Association, psychiatric nurse practitioners are specialized nurses who work with individuals, families, groups, and communities to assess mental health needs and develop plans of care. Psychiatric nurse practitioners include Psychiatric Advanced Practice Registered Nurses

(PMH-APRNs), who offer primary care services to the psychiatric-mental health population by assessing, diagnosing, and treating individuals and families with psychiatric disorders and by identifying risk factors for such disorders. PMH-APRNs often own private practices and corporations and consult with groups, communities, legislators, and corporations.

According to the National Alliance on Mental Illness, 4 million children and adolescents in the United States suffer from a serious mental disorder, and 21% of children ages 9 to 17 have a diagnosable mental or addictive disorder that causes at least minimal impairment. Additionally, the Substance Abuse and Mental Health Services Administration reports that, in Maryland, about 3% of adults age 18 or older suffer from a serious mental health illness (the disorder substantially interferes with or limits one or more major life activities). The U.S. Centers for Disease Control and Prevention reports that, in 2010, the average length of stay for patients with mental disorders in hospitals was seven days and there were about 1.5 million discharges from hospitals related to a psychosis diagnosis.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Veterans Affairs, American Psychiatric Nurses Association, National Alliance on Mental Health, U.S. Centers for Disease Control and Prevention, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2015
min/ljm

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