

# HOUSE BILL 1387

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By: **Delegates McComas, Chisholm, Ciliberti, Lierman, Rosenberg, and Shoemaker**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Certificates for Involuntary Admission – Licensed Certified Social**  
3 **Worker–Clinical**

4 FOR the purpose of altering a requirement that a certain certificate accompany an  
5 application for involuntary admission to certain facilities by providing that the  
6 certificate may be of a physician and a licensed certified social worker–clinical;  
7 altering certain provisions of law related to certificates for involuntary admission to  
8 certain facilities to prohibit the certificate from being used for an admission if a  
9 certain licensed certified social worker–clinical has a certain interest in a certain  
10 facility or a certain relationship to a certain individual; altering certain provisions of  
11 law related to individuals certified for involuntary admission to require the  
12 Maryland Department of Health to receive and evaluate a certain individual within  
13 a certain time after receiving a certain notification from a licensed certified social  
14 worker–clinical under certain circumstances; making a conforming change; and  
15 generally relating to certificates for involuntary admission to facilities and licensed  
16 certified social workers–clinical.

17 BY repealing and reenacting, with amendments,  
18 Article – Health – General  
19 Section 10–615, 10–616, and 10–619  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Health – General**

25 10–615.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Each application for involuntary admission to a facility or Veterans' Administration  
2 hospital under this part shall:

- 3 (1) Be in writing;
- 4 (2) Be dated;
- 5 (3) Be on the form required by:
- 6 (i) The Administration, in the case of a facility; or
- 7 (ii) The Veterans' Administration hospital, in the case of a Veterans'  
8 Administration hospital;
- 9 (4) State the relationship of the applicant to the individual for whom  
10 admission is sought;
- 11 (5) Be signed by the applicant;
- 12 (6) Be accompanied by the certificates of:
- 13 (i) 1 physician and 1 psychologist;
- 14 (ii) 2 physicians; [or]
- 15 (iii) 1 physician and 1 psychiatric nurse practitioner; [and] OR
- 16 (IV) 1 PHYSICIAN AND 1 LICENSED CERTIFIED SOCIAL  
17 WORKER-CLINICAL; AND
- 18 (7) Contain any other information that the Administration requires.

19 10-616.

- 20 (a) (1) A certificate for involuntary admission of an individual under this part  
21 shall:
- 22 (i) Be based on the personal examination of the physician,  
23 psychologist, [or] psychiatric nurse practitioner, OR LICENSED CERTIFIED SOCIAL  
24 WORKER-CLINICAL who signs the certificate; and
- 25 (ii) Be in the form that the Secretary adopts, by rule or regulation.
- 26 (2) The rules and regulations shall require the form to include:
- 27 (i) A diagnosis of a mental disorder of the individual;

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

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

5 (b) A certificate may not be used for admission if the examination on which the  
6 certificate is made was done:

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

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

10 (c) A certificate may not be used for an admission if the physician, psychologist,  
11 [or] psychiatric nurse practitioner, **OR LICENSED CERTIFIED SOCIAL**  
12 **WORKER-CLINICAL** who signed the certificate:

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

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

17 10-619.

18 Within 12 hours after notification by a physician, licensed psychologist, [or]  
19 psychiatric nurse practitioner, **OR LICENSED CERTIFIED SOCIAL WORKER-CLINICAL**  
20 who has certified an individual under this part, a facility operated by the Maryland  
21 Department of Health shall receive and evaluate the individual certified for involuntary  
22 admission if:

23 (1) The individual's involuntary admission is not limited by § 10-617 of  
24 this subtitle;

25 (2) An application for admission has been completed;

26 (3) A certifying physician, psychologist, [or] psychiatric nurse practitioner,  
27 **OR LICENSED CERTIFIED SOCIAL WORKER-CLINICAL** is unable to place the individual  
28 in a facility not operated by the Department; and

29 (4) The Department is unable to provide for the placement of the person  
30 other than in a facility operated by the Department.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.