

HB1392/136380/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1392

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “name;” in line 8; in line 8, strike the second “a” and substitute “certain”; in line 9, strike “record” and substitute “and legal records”; in the same line, strike “a person in interest” and substitute “an individual”; in lines 9 and 10, strike “legal counsel for the patient” and substitute “a public defender who states in writing that the Office of the Public Defender represents the individual”; in line 10, strike “or recipient in connection with or for use”; in the same line, after “proceedings;” insert “requiring that certain records be provided within a certain time period and only under certain circumstances;”; in line 12, strike the first “of” and substitute “after”; in the same line, strike “acceptance” and substitute “completion of an application for the involuntary admission”; in line 13, strike “into the facility” and substitute “; providing that a certain notice requirement does not apply to a certain patient; prohibiting a hearing officer from ordering the release of a certain individual on the grounds that the emergency facility did not provide certain notice”; strike beginning with the first “requiring” in line 16 down through “hearing;” in line 19; in line 22, strike “defining certain terms; making conforming and stylistic changes;”; and in line 27, strike “4–302(c), 4–306(b)(11) and (12), 4–307(k)(1)(v) and (vi), 10–624,” and substitute “4–306(c), 10–625.”

On page 2, in line 3, strike “4–306(b)(13), 4–307(k)(1)(vii), and 10–632(h)” and substitute “4–306(c) and 4–307(l)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 10 on page 3, inclusive.

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On page 3, strike in their entirety lines 12 through 29, inclusive, and substitute:

“(C) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A HEALTH CARE PROVIDER SHALL DISCLOSE MEDICAL AND LEGAL RECORDS WITHOUT THE AUTHORIZATION OF AN INDIVIDUAL TO A PUBLIC DEFENDER WHO STATES IN WRITING THAT THE OFFICE OF THE PUBLIC DEFENDER REPRESENTS THE INDIVIDUAL IN:”

On page 4, in line 2, strike the period and substitute a period; after line 2, insert:

“(2) LEGAL RECORDS REQUIRED TO BE DISCLOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDE:

(I) AN EMERGENCY PETITION;

(II) AN APPLICATION FOR INVOLUNTARY ADMISSION; AND

(III) A CERTIFICATION FOR INVOLUNTARY ADMISSION.

(3) THE RECORDS DISCLOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED TO THOSE RECORDS NEEDED BY THE PUBLIC DEFENDER TO REPRESENT THE INDIVIDUAL IN THE PROCEEDINGS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(4) RECORDS PROVIDED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE PROVIDED:

(I) WITHIN 24 HOURS AFTER THE CERTIFICATION OF INVOLUNTARY ADMISSION; AND

(II) ONLY IF THE INDIVIDUAL HAS NOT YET RETAINED PRIVATE COUNSEL.

[(c)](D) When a disclosure is sought under this section:

(1) A written request for disclosure or written confirmation by the health care provider of an oral request that justifies the need for disclosure shall be inserted in the medical record of the patient or recipient; and

(2) Documentation of the disclosure shall be inserted in the medical record of the patient or recipient.”;

strike in their entirety lines 4 through 26, inclusive, and substitute:

“(L) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A HEALTH CARE PROVIDER SHALL DISCLOSE MEDICAL AND LEGAL RECORDS WITHOUT THE AUTHORIZATION OF AN INDIVIDUAL TO A PUBLIC DEFENDER WHO STATES IN WRITING THAT THE OFFICE OF THE PUBLIC DEFENDER REPRESENTS THE INDIVIDUAL IN:”;

in lines 27, 29, and 31, strike “1.”, “2.”, and “3.”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 32, strike the period and substitute a period; and after line 32, insert:

“(2) LEGAL RECORDS REQUIRED TO BE DISCLOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDE:

(I) AN EMERGENCY PETITION;

(II) AN APPLICATION FOR INVOLUNTARY ADMISSION; AND

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(III) A CERTIFICATION FOR INVOLUNTARY ADMISSION.

(3) THE RECORDS DISCLOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED TO THOSE RECORDS NEEDED BY THE PUBLIC DEFENDER TO REPRESENT THE INDIVIDUAL IN THE PROCEEDINGS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(4) RECORDS PROVIDED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE PROVIDED:

(I) WITHIN 24 HOURS AFTER THE CERTIFICATION OF INVOLUNTARY ADMISSION; AND

(II) ONLY IF THE INDIVIDUAL HAS NOT YET RETAINED PRIVATE COUNSEL.”.

On page 5, strike in their entirety lines 1 through 18, inclusive, and substitute:

“10-625.

(a) If an emergency evaluatee meets the requirements for an involuntary admission and is unable or unwilling to agree to a voluntary admission under this subtitle, the examining physician shall take the steps needed for involuntary admission of the emergency evaluatee to an appropriate facility, which may be a general hospital with a licensed inpatient psychiatric unit.

(b) (1) If the examining physician is unable to have the emergency evaluatee admitted to a facility, the physician shall notify the Department.

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(2) Within 6 hours after notification, the Department shall provide for admission of the emergency evaluatee to an appropriate facility.”;

in line 19, strike “(II)” and substitute “(C) (1)”; in the same line, strike “24” and substitute “30”; in lines 19 and 20, strike “EMERGENCY FACILITY ACCEPTS THE EMERGENCY EVALUEE” and substitute “EMERGENCY FACILITY COMPLETES AN APPLICATION FOR THE INVOLUNTARY ADMISSION OF AN EMERGENCY EVALUEE”; in lines 22 and 23, strike “ACCEPTANCE OF THE EMERGENCY EVALUEE INTO THE EMERGENCY FACILITY” and substitute “COMPLETION OF THE APPLICATION”; in line 24, strike “(III)” and substitute “(2)”; in the same line, strike “SUBPARAGRAPH (II)” and substitute “PARAGRAPH (1)”; in line 25, strike “PARAGRAPH” and substitute “SUBSECTION”; in line 26, after “FACILITY” insert “, INCLUDING THE EMERGENCY PETITION, APPLICATION FOR INVOLUNTARY ADMISSION, AND CERTIFICATION FOR INVOLUNTARY ADMISSION”; and after line 26, insert:

“(3) A HEARING OFFICER MAY NOT ORDER THE RELEASE OF AN INDIVIDUAL WHO MEETS THE REQUIREMENTS FOR INVOLUNTARY ADMISSION ON THE GROUNDS THAT THE EMERGENCY FACILITY DID NOT NOTIFY THE OFFICE OF THE PUBLIC DEFENDER OF THE CERTIFICATION OF THE EMERGENCY EVALUEE FOR INVOLUNTARY ADMISSION WITHIN 30 HOURS AFTER THE EMERGENCY FACILITY COMPLETES THE APPLICATION FOR INVOLUNTARY ADMISSION AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A PATIENT WHO AGREES TO VOLUNTARY ADMISSION.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 27 on page 5 through line 2 on page 6, inclusive.

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AMENDMENT NO. 3

On page 7, in line 2, strike “**(I)**”; and strike in their entirety lines 5 through 24, inclusive.