

patient is a patient in a private facility or a Veterans' Administration hospital, in which case the private facility or the Veterans' Administration hospital shall be named as the respondent.

(b) *Form and contents of petition.*—The petition shall be [in] such form and contain such data as may be designated by the Maryland Rules.

(c) *Trial by jury.*—The petitioner may request that his petition be heard by a jury, and thereafter, such trial shall proceed as in a civil action at law.

(d) *Issues to be determined; action by court upon jury decision.*—The issues to be determined are:

(1) Does the patient have any mental disorder; and

(2) Is the disorder of such a nature that for the protection of himself or others, the patient needs inpatient medical care or treatment.

If the jury or court sitting as a jury answers both questions affirmatively, the court shall remand the patient to the custody of the facility or Veterans' Administration hospital from which he petitioned for release. If either question is answered in the negative, the petitioner shall be released from the facility or Veterans' Administration hospital.

(e) *Appeals.*—Appeals may be taken from decisions on petitions as in any other equity cases and may be taken by the petitioner or the respondent.

(f) *Records of proceedings.*—Records of all such proceedings shall be made a permanent part of the patient record of each patient.

(g) Once a patient has had a determination on the merits of any one petition filed by him pursuant to this section, no subsequent petition prepared by or for him shall be heard by a court of equity within one year of such prior determination, unless, in addition to all other required data, the petition is accompanied by a valid affidavit showing improvement of the patient's mental condition subsequent to the trial. No such affidavit shall be valid if executed by a patient of a facility or Veterans' Administration hospital. When filed, the petition and affidavit shall be reviewed by the court, and if the affidavit shows an improvement in the patient's mental condition, the petition shall be heard as provided in this section. If no substantial improvement in such condition is shown, the petition shall be dismissed.

12.

(a) Any person may be admitted or held for emergency care and treatment in a facility licensed by or under the jurisdiction of the Department with the consent of the head of the facility upon a written statement by any psychiatrist that he has examined the person not more than forty-eight (48) hours prior to the person's admission, that he is of the opinion, for stated reasons, that the person is mentally disordered and is in clear and imminent danger of causing grave and immediate personal injury to himself or others