

Department of Health and Mental Hygiene -  
Judicial Review of Department Civil Commitments

FOR the purpose of providing for immediate judicial review of civil commitment administrative determinations made pursuant to Department of Health and Mental Hygiene regulations governing involuntary admissions to certain mental health and mental retardation facilities.

BY repealing and reenacting, with amendments,

Article 41 - Governor - Executive and  
Administrative Departments  
Section 206A(c)  
Annotated Code of Maryland  
(1971 Replacement Volume and 1976 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 206A(c) of Article 41 - Governor - Executive and Administrative Departments, of the Annotated Code of Maryland (1971 Replacement Volume and 1976 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 41 - Governor - Executive and  
Administrative Departments

206A.

(c) In addition to its advisory powers, the board shall hear and determine appeals from those decisions of the Secretary or any departments or other agencies within the Department of Health and Mental Hygiene which are subject to judicial review under § 255 of this article or under any other provisions of law. CIVIL COMMITMENT DETERMINATIONS MADE BY DEPARTMENT OF HEALTH AND MENTAL HYGIENE HEARING OFFICERS PURSUANT TO DEPARTMENTAL REGULATIONS GOVERNING INVOLUNTARY ADMISSIONS TO MENTAL HEALTH FACILITIES UNDER THE JURISDICTION OF OR LICENSED BY THE DEPARTMENT AND DEPARTMENTAL REGULATIONS GOVERNING INVOLUNTARY ADMISSIONS TO MENTAL RETARDATION FACILITIES UNDER THE JURISDICTION OF OR LICENSED BY THE DEPARTMENT SHALL BE CONSIDERED FINAL DECISIONS OF THE DEPARTMENT FOR PURPOSES OF JUDICIAL REVIEW UNDER THIS ARTICLE. The board shall also hear and determine appeals from those actions or failures to act by any departments or agencies within the Department of Health and Mental Hygiene for which the Secretary, by regulations, provides for review by the board. The board shall report at least annually to the Secretary and its report shall incorporate a summary of appeals heard and the determinations thereof by categories. Members of the board may not participate in any determination nor vote in any proceeding as to which he has, directly or indirectly, a private interest.