

## Preamble

WHEREAS, Chapter 821 of the Laws of 1978 expanded the 1977 law relating to the creation of geriatric evaluation units and the admission of elderly persons to mental health facilities; and

WHEREAS, Chapter 821, in part, amended Article 59, Sections 11 and 12 of the Annotated Code, providing that voluntary or involuntary admissions to any "public hospital or facility" could be made only after the person to be admitted had been evaluated by a geriatric evaluation unit; and

WHEREAS, The phrase "public hospital or facility" is unclear on its face because the adjective "public" may or may not modify "facility"; and

WHEREAS, When the Health - General Article was prepared, it incorporated as Title 10 the provisions of Article 59 (Mental Hygiene); and

WHEREAS, When certain provisions relating to geriatric evaluations were recast and recodified in Sections 10-603, 10-609, and 10-617 of the new Health - General Article, the phrase "public hospital or facility" of the old law (Article 59) was construed by the Commission to Revise the Annotated Code to mean "public hospital or public or private facility"; in other words the Commission felt that the adjective "public" did not modify "facility". Consequently, only the term "facility", as it appears in Sections 10-603, 10-609, and 10-617 was used, that term being defined in Section 10-101(e) of Title 10 as including any public or private hospital, clinic, or other institution; and

WHEREAS, The legislative history of Chapter 821 of 1978 seems to indicate that it was the legislature's intention to exempt private facilities from geriatric evaluation requirements; and

WHEREAS, It is the purpose of this Act to clarify that Sections 10-603, 10-609, 10-617, and 10-632 of the Health - General Article do not require private mental hygiene facilities to conduct geriatric evaluations; now, therefore,

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

## Article - Health - General

10-603.

(a) This section does not apply to an individual who is:

(1) Transferred from a facility of another state to a State facility under the Interstate Compact on Mental Health; or