

FOR the purpose of expanding the definition of a certain term to make certain provisions regarding the duty of a mental health provider to predict, warn of, or take precautions to provide protection from a patient's violent behavior applicable to certain facilities, corporations, partnerships, associations, or other entities that provide treatment or services to individuals who have mental disorders; and generally relating to mental health care providers.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 5-609

Annotated Code of Maryland

(1998 Replacement Volume)

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

Article - Courts and Judicial Proceedings

5-609.

(a) (1) In this section the following words have the meanings indicated.

(2) "Mental health care provider" means:

(I) [a] A mental health care provider licensed under the Health Occupations Article; AND

(II) ANY FACILITY, CORPORATION, PARTNERSHIP, ASSOCIATION, OR OTHER ENTITY THAT PROVIDES TREATMENT OR SERVICES TO INDIVIDUALS WHO HAVE MENTAL DISORDERS.

(3) "Administrator" means an administrator of a facility as defined in § 10-101 of the Health - General Article.

(b) A cause of action or disciplinary action may not arise against any mental health care provider or administrator for failing to predict, warn of, or take precautions to provide protection from a patient's violent behavior unless the mental health care provider or administrator knew of the patient's propensity for violence and the patient indicated to the mental health care provider or administrator, by speech, conduct, or writing, of the patient's intention to inflict imminent physical injury upon a specified victim or group of victims.

(c) (1) The duty to take the actions under paragraph (2) of this subsection arises only under the limited circumstances described under subsection (b) of this section.

(2) The duty described under this section is deemed to have been discharged if the mental health care provider or administrator makes reasonable and timely efforts to:

(i) Seek civil commitment of the patient;