

HOUSE BILL 823

J1
SB 807/22 – FIN

3lr1712
CF SB 480

By: Delegates S. Johnson, Kipke, ~~and Lopez~~ Lopez, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Guzzone, Hill, Hutchinson, Kaiser, Kerr, R. Lewis, Martinez, Rosenberg, Taveras, White, and Woods

Introduced and read first time: February 8, 2023
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 30, 2023

CHAPTER _____

1 AN ACT concerning

2 **Mental Health Law – Assisted Outpatient Treatment Programs**

3 FOR the purpose of authorizing a county to establish an assisted outpatient treatment
4 program; ~~providing that an individual's failure to comply with an order of assisted~~
5 ~~outpatient treatment issued under a program may be considered by a hearing officer~~
6 ~~for a certain purpose when determining whether an individual is to be admitted as~~
7 ~~an involuntary patient at a certain facility or hospital~~ requiring the Office of the
8 Public Defender to provide representation in assisted outpatient treatment
9 proceedings; and generally relating to assisted outpatient treatment programs.

10 ~~BY repealing and reenacting, with amendments,~~
11 ~~Article – Health – General~~
12 ~~Section 10–632~~
13 ~~Annotated Code of Maryland~~
14 ~~(2019 Replacement Volume and 2022 Supplement)~~

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 16–204(b)(1)
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2022 Supplement)

20 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health – General
2 Section 10–6A–01 through 10–6A–11 to be under the new subtitle “Subtitle 6A.
3 Assisted Outpatient Treatment Programs”
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2022 Supplement)

6 Preamble

7 WHEREAS, A small but persistent subset of individuals with severe mental illness
8 struggle to adhere voluntarily to the treatment they require to live safely in the community,
9 in many cases due to an inability through no fault of their own to maintain awareness or
10 understanding of their mental illness; and

11 WHEREAS, When individuals with severe mental illness remain untreated, they
12 suffer needlessly from homelessness, poverty, repeated hospitalizations, repeated arrests,
13 trauma, and suicide; and

14 WHEREAS, Civil commitment to outpatient care combined with adequate resources
15 for treatment and monitoring, known in many states as “assisted outpatient treatment”, is
16 a federally recognized best practice for improving treatment adherence and outcomes
17 among individuals with histories of repeated psychiatric crises while reducing systemic
18 costs through avoided hospitalization; and

19 WHEREAS, Maryland is one of only three remaining states without statutory
20 authority for a civil court to order an individual to adhere to outpatient care; now, therefore,

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

23 **Article – Criminal Procedure**

24 16–204.

25 (b) (1) Indigent defendants or parties shall be provided representation under
26 this title in:

27 (i) a criminal or juvenile proceeding in which a defendant or party
28 is alleged to have committed a serious offense;

29 (ii) a criminal or juvenile proceeding in which an attorney is
30 constitutionally required to be present prior to presentment being made before a
31 commissioner or judge;

32 (iii) a postconviction proceeding for which the defendant has a right
33 to an attorney under Title 7 of this article;

1 (iv) any other proceeding in which confinement under a judicial
2 commitment of an individual in a public or private institution may result;

3 (v) a proceeding involving children in need of assistance under §
4 3-813 of the Courts Article; [or]

5 (vi) a family law proceeding under Title 5, Subtitle 3, Part II or Part
6 III of the Family Law Article, including:

7 1. for a parent, a hearing in connection with guardianship or
8 adoption;

9 2. a hearing under § 5-326 of the Family Law Article for
10 which the parent has not waived the right to notice; and

11 3. an appeal; OR

12 **(VII) AN ASSISTED OUTPATIENT TREATMENT PROCEEDING**
13 **UNDER TITLE 10, SUBTITLE 6A OF THE HEALTH – GENERAL ARTICLE.**

14 **Article – Health – General**

15 ~~10-632.~~

16 ~~(a) Any individual proposed for involuntary admission under Part III of this~~
17 ~~subtitle shall be afforded a hearing to determine whether the individual is to be admitted~~
18 ~~to a facility or a Veterans' Administration hospital as an involuntary patient or released~~
19 ~~without being admitted.~~

20 ~~(b) The hearing shall be conducted within 10 days of the date of the initial~~
21 ~~confinement of the individual.~~

22 ~~(c) (1) The hearing may be postponed for good cause for no more than 7 days,~~
23 ~~and the reasons for the postponement shall be on the record.~~

24 ~~(2) A decision shall be made within the time period provided in paragraph~~
25 ~~(1) of this subsection.~~

26 ~~(d) The Secretary shall:~~

27 ~~(1) Adopt rules and regulations on hearing procedures; and~~

28 ~~(2) Designate an impartial hearing officer to conduct the hearings.~~

29 ~~(e) The hearing officer shall:~~

30 ~~(1) Consider all the evidence and testimony of record; and~~

1 ~~(2) Order the release of the individual from the facility unless the record~~
2 ~~demonstrates by clear and convincing evidence that at the time of the hearing each of the~~
3 ~~following elements exist as to the individual whose involuntary admission is sought:~~

4 ~~(i) The individual has a mental disorder;~~

5 ~~(ii) The individual needs in-patient care or treatment;~~

6 ~~(iii) The individual presents a danger to the life or safety of the~~
7 ~~individual or of others;~~

8 ~~(iv) The individual is unable or unwilling to be voluntarily admitted~~
9 ~~to the facility;~~

10 ~~(v) [There] SUBJECT TO SUBSECTION (J) OF THIS SECTION,~~
11 ~~THERE is no available less restrictive form of intervention that is consistent with the~~
12 ~~welfare and safety of the individual; and~~

13 ~~(vi) If the individual is 65 years old or older and is to be admitted to~~
14 ~~a State facility, the individual has been evaluated by a geriatric evaluation team and no~~
15 ~~less restrictive form of care or treatment was determined by the team to be appropriate.~~

16 ~~(f) A hearing officer may not order the release of an individual who meets the~~
17 ~~requirements for involuntary admission under subsection (c)(2) of this section on the~~
18 ~~grounds that a health care provider or an emergency or other facility did not comply with~~
19 ~~disclosure or notice requirements under § 10-625(e) or § 10-631(b)(5) of this subtitle, §~~
20 ~~10-803(b)(2) of this title, or § 4-306(e) or § 4-307(l) of this article.~~

21 ~~(g) The hearing officer may not order the release of an individual who meets the~~
22 ~~requirements for involuntary admission under subsection (c)(2) of this section on the~~
23 ~~grounds that the individual was kept at an emergency facility for more than 30 hours in~~
24 ~~violation of § 10-624(b)(4) of this subtitle.~~

25 ~~(h) The parent, guardian, or next of kin of an individual involuntarily admitted~~
26 ~~under this subtitle:~~

27 ~~(1) Shall be given notice of the hearing on the admission; and~~

28 ~~(2) May testify at the hearing.~~

29 ~~(i) If a hearing officer enters an order for involuntary commitment under Part III~~
30 ~~of this subtitle and the hearing officer determines that the individual cannot safely possess~~
31 ~~a firearm based on credible evidence of dangerousness to others, the hearing officer shall~~
32 ~~order the individual who is subject to the involuntary commitment to:~~

~~(1) Surrender to law enforcement authorities any firearms in the individual's possession; and~~

~~(2) Refrain from possessing a firearm unless the individual is granted relief from firearms disqualification in accordance with § 5-133.3 of the Public Safety Article.~~

~~(J) AN INDIVIDUAL'S FAILURE TO COMPLY WITH AN ORDER OF ASSISTED OUTPATIENT TREATMENT ISSUED UNDER AN ASSISTED OUTPATIENT TREATMENT PROGRAM ESTABLISHED UNDER SUBTITLE 6A OF THIS TITLE MAY BE CONSIDERED BY A HEARING OFFICER IN DETERMINING WHETHER HOSPITALIZATION IS THE LEAST RESTRICTIVE FORM OF INTERVENTION THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE INDIVIDUAL.~~

SUBTITLE 6A. ASSISTED OUTPATIENT TREATMENT PROGRAMS.

10-6A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ASSISTED OUTPATIENT TREATMENT" MEANS A SPECIFIC REGIMEN OF OUTPATIENT TREATMENT FOR A MENTAL HEALTH DISORDER TO WHICH AN INDIVIDUAL IS ORDERED BY THE COURT TO ADHERE.

(C) "CARE COORDINATION TEAM" MEANS A MULTIDISCIPLINARY TEAM ESTABLISHED BY A LOCAL BEHAVIORAL HEALTH AUTHORITY.

~~(D)~~ (D) "PROGRAM" MEANS AN ASSISTED OUTPATIENT TREATMENT PROGRAM.

(E) "SERIOUS AND PERSISTENT MENTAL ILLNESS" MEANS A MENTAL ILLNESS THAT IS SEVERE IN DEGREE AND PERSISTENT IN DURATION, THAT CAUSES A SUBSTANTIALLY DIMINISHED LEVEL OF FUNCTIONING IN THE PRIMARY ASPECTS OF DAILY LIVING AND AN INABILITY TO MEET THE ORDINARY DEMANDS OF LIFE, AND THAT MAY LEAD TO AN INABILITY TO MAINTAIN INDEPENDENT FUNCTIONING IN THE COMMUNITY WITHOUT INTENSIVE TREATMENT AND SUPPORT.

~~(F)~~ (F) "TREATMENT PLAN" MEANS A PLAN DEVELOPED BY A ~~TREATING PSYCHIATRIST~~ CARE COORDINATION TEAM, INCORPORATING ALL OUTPATIENT TREATMENT SERVICES THAT ARE DETERMINED TO BE ESSENTIAL AND AVAILABLE FOR THE MAINTENANCE OF AN INDIVIDUAL'S HEALTH AND SAFETY AND THAT INCLUDE, AT A MINIMUM, CASE MANAGEMENT OR ASSERTIVE COMMUNITY TREATMENT SERVICES AND PEER SUPPORT SERVICES.

1 **10-6A-02.**

2 **(A) (1) A COUNTY MAY ESTABLISH AN ASSISTED OUTPATIENT**
3 **TREATMENT PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.**

4 **(2) A COUNTY MAY PARTNER WITH ANOTHER COUNTY TO ESTABLISH**
5 **AN ASSISTED OUTPATIENT TREATMENT PROGRAM.**

6 **(3) AN ASSISTED OUTPATIENT TREATMENT PROGRAM SHALL BE**
7 **AVAILABLE ONLY TO RESIDENTS OF THE COUNTY OR COUNTIES THAT ESTABLISH**
8 **THE PROGRAM.**

9 **(B) (1) AN ASSISTED OUTPATIENT TREATMENT PROGRAM ESTABLISHED**
10 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE APPROVED AND OVERSEEN BY**
11 **THE LOCAL BEHAVIORAL HEALTH AUTHORITY FOR THE COUNTY.**

12 **(2) A COUNTY SHALL SUBMIT TO THE LOCAL BEHAVIORAL HEALTH**
13 **AUTHORITY A PLAN FOR PERIODIC MEETINGS WITH THE COURT DURING THE**
14 **PERIOD OF THE RESPONDENT'S ASSISTED OUTPATIENT TREATMENT.**

15 **10-6A-03.**

16 **(A) A PETITION FOR ASSISTED OUTPATIENT TREATMENT MAY BE MADE**
17 **UNDER THIS SUBTITLE BY THE DIRECTOR OF A MENTAL HEALTH PROGRAM**
18 **RECEIVING STATE FUNDING UNDER SUBTITLE 9, PART I OF THIS TITLE, OR BY ANY**
19 **INDIVIDUAL AT LEAST 18 YEARS OLD WHO HAS A LEGITIMATE INTEREST IN THE**
20 **WELFARE OF THE RESPONDENT.**

21 **(B) THE PETITION FOR ASSISTED OUTPATIENT TREATMENT SHALL BE IN**
22 **WRITING, SIGNED BY THE PETITIONER, AND SHALL STATE:**

23 **(1) THE PETITIONER'S NAME, ADDRESS, AND RELATIONSHIP, IF ANY,**
24 **TO THE RESPONDENT;**

25 **(2) THE NAME AND ANY KNOWN ADDRESS OF THE RESPONDENT;**

26 **(3) THAT THE PETITIONER HAS REASON TO BELIEVE THE**
27 **RESPONDENT MEETS THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT IN §**
28 **10-6A-04 OF THIS SUBTITLE; AND**

29 **(4) FOR EACH CRITERION FOR ASSISTED OUTPATIENT TREATMENT IN**
30 **§ 10-6A-04 OF THIS SUBTITLE, THE SPECIFIC ALLEGATIONS OF FACT THAT**
31 **SUPPORT THE PETITIONER'S BELIEF THAT THE RESPONDENT MEETS THE**
32 **CRITERION.**

1 (C) THE PETITION FOR ASSISTED OUTPATIENT TREATMENT SHALL BE
2 ACCOMPANIED BY AN AFFIDAVIT OR AFFIRMATION OF A PSYCHIATRIST, STATING
3 THAT THE PSYCHIATRIST IS WILLING AND ABLE TO TESTIFY AT THE HEARING ON THE
4 PETITION AND ~~EITHER~~ HAS:

5 (1) ~~HAS EXAMINED~~ EXAMINED THE RESPONDENT WITHIN 10 DAYS
6 BEFORE THE DATE OF THE PETITION ~~AND HAS CONCLUDED; AND~~

7 (2) CONCLUDED THAT THE RESPONDENT MEETS THE CRITERIA FOR
8 ASSISTED OUTPATIENT TREATMENT IN § 10-6A-04 OF THIS SUBTITLE; ~~OR~~

9 ~~(2) WAS NOT SUCCESSFUL IN PERSUADING THE RESPONDENT TO~~
10 ~~SUBMIT TO AN EXAMINATION, DESPITE REASONABLE EFFORTS, WITHIN 10 DAYS~~
11 ~~BEFORE THE DATE OF THE PETITION, AND HAS REASON TO BELIEVE THAT THE~~
12 ~~RESPONDENT MEETS THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT IN §~~
13 ~~10-6A-04 OF THIS SUBTITLE.~~

14 (D) (1) A PETITION FOR ASSISTED OUTPATIENT TREATMENT SHALL BE
15 FILED IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE RESPONDENT
16 RESIDES OR IN THE COUNTY OF THE LAST KNOWN RESIDENCE OF THE RESPONDENT.

17 (2) ON THE FILING OF A PETITION UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION, THE CIRCUIT COURT SHALL NOTIFY THE COUNTY ATTORNEY AND THE
19 MENTAL HEALTH DIVISION IN THE OFFICE OF THE PUBLIC DEFENDER OF THE
20 FILING OF THE PETITION.

21 (E) A PETITION FILED UNDER THIS SUBTITLE SHALL BE HELD UNDER SEAL
22 AND MAY NOT BE PUBLISHED ON MARYLAND JUDICIARY CASE SEARCH.

23 10-6A-04.

24 (A) THE COURT MAY ORDER THE RESPONDENT TO RECEIVE ASSISTED
25 OUTPATIENT TREATMENT ON A FINDING BY CLEAR AND CONVINCING EVIDENCE
26 THAT:

27 (1) THE RESPONDENT IS AT LEAST 18 YEARS OLD;

28 (2) THE RESPONDENT HAS A ~~MENTAL DISORDER~~ SERIOUS AND
29 PERSISTENT MENTAL ILLNESS;

30 (3) THE RESPONDENT HAS DEMONSTRATED A LACK OF COMPLIANCE
31 WITH TREATMENT FOR THE ~~MENTAL DISORDER~~ SERIOUS AND PERSISTENT MENTAL
32 ILLNESS THAT HAS:

1 (I) AT LEAST TWICE WITHIN THE ~~48-MONTH~~ 36-MONTH
2 PERIOD IMMEDIATELY PRECEDING THE FILING OF THE PETITION, BEEN A
3 SIGNIFICANT FACTOR IN NECESSITATING ~~HOSPITALIZATION~~ INPATIENT ADMISSION
4 TO A PSYCHIATRIC HOSPITAL FOR AT LEAST 48 HOURS OR RECEIPT OF SERVICES IN
5 A CORRECTIONAL FACILITY; OR

6 (II) AT LEAST ONCE WITHIN THE ~~48-MONTH~~ 36-MONTH PERIOD
7 IMMEDIATELY PRECEDING THE FILING OF THE PETITION, RESULTED IN AN ACT OF
8 SERIOUS VIOLENT BEHAVIOR TOWARD SELF OR OTHERS, OR PATTERNS OF THREATS
9 OF, OR ATTEMPTS AT, SERIOUS PHYSICAL HARM TO SELF OR OTHERS; ~~OR~~

10 ~~(III) RESULTED IN THE ISSUANCE OF A COURT ORDER IN THE~~
11 ~~STATE FOR ASSISTED OUTPATIENT TREATMENT THAT EXPIRED WITHIN THE~~
12 ~~6-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THE PETITION AND IN~~
13 ~~THE INTERIM HAS CAUSED A SUBSTANTIAL INCREASE IN SYMPTOMS OF MENTAL~~
14 ~~ILLNESS THAT SUBSTANTIALLY INTERFERE WITH OR LIMIT ONE OR MORE MAJOR~~
15 ~~LIFE ACTIVITIES AS DEFINED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT;~~

16 (4) THE RESPONDENT IS CAPABLE OF ~~SURVIVING~~ MAINTAINING
17 HEALTH AND SAFETY IN THE COMMUNITY WITH APPROPRIATE OUTPATIENT
18 TREATMENT AND SUPPORT;

19 (5) IN VIEW OF THE RESPONDENT'S TREATMENT HISTORY AND
20 BEHAVIOR AT THE TIME THE PETITION IS FILED, THE RESPONDENT IS IN NEED OF
21 ASSISTED OUTPATIENT TREATMENT IN ORDER TO PREVENT A RELAPSE OR
22 DETERIORATION ~~THAT WOULD LIKELY MAKE THE RESPONDENT A DANGER TO THE~~
23 ~~LIFE OR SAFETY OF THE RESPONDENT OR OTHERS;~~

24 (6) THE RESPONDENT IS UNLIKELY TO ADEQUATELY ADHERE TO
25 OUTPATIENT TREATMENT ON A VOLUNTARY BASIS, AS DEMONSTRATED BY THE
26 RESPONDENT'S ~~RECENT~~ HISTORY OF TREATMENT NONADHERENCE ~~OR SPECIFIC~~
27 ~~ASPECTS OF THE RESPONDENT'S CLINICAL CONDITION THAT INTERFERE WITH THE~~
28 ~~RESPONDENT'S ABILITY TO MAKE RATIONAL AND INFORMED DECISIONS~~
29 ~~REGARDING MENTAL HEALTH TREATMENT,~~ WHICH MAY NOT INCLUDE
30 NONADHERENCE DUE TO FINANCIAL, TRANSPORTATION, OR LANGUAGE ISSUES, IN
31 THE IMMEDIATELY PRECEDING 36-MONTH PERIOD; AND

32 (7) ~~ASSISTED~~ IN VIEW OF THE RESPONDENT'S TREATMENT HISTORY
33 AND BEHAVIOR AT THE TIME THE PETITION IS FILED, ASSISTED OUTPATIENT
34 TREATMENT IS THE LEAST RESTRICTIVE ALTERNATIVE APPROPRIATE TO MAINTAIN
35 THE HEALTH AND SAFETY OF THE RESPONDENT.

1 ~~(B) TIME THAT THE RESPONDENT SPENT HOSPITALIZED OR INCARCERATED~~
2 ~~MAY NOT BE INCLUDED WHEN CALCULATING THE TIME PERIOD UNDER SUBSECTION~~
3 ~~(A)(3)(I) OR (II) OF THIS SECTION.~~

4 **10-6A-05.**

5 (A) (1) ~~NOT LATER THAN THE DATE OF THE PSYCHIATRIST'S TESTIMONY~~
6 ~~REQUIRED UNDER § 10-6A-06 OF THIS SUBTITLE, THE PETITIONER SHALL PROVIDE~~
7 ~~A TREATMENT PLAN IN WRITING TO THE COURT AND THE RESPONDENT.~~

8 ~~(2) WITHIN 10 DAYS AFTER THE FILING OF THE PETITION WITH THE~~
9 ~~CIRCUIT COURT UNDER § 10-6A-03 OF THIS SUBTITLE, THE CARE COORDINATION~~
10 ~~TEAM SHALL DEVELOP A TREATMENT PLAN.~~

11 (2) FOR EACH SERVICE LISTED IN THE TREATMENT PLAN, A
12 COMMUNITY-BASED PROVIDER THAT HAS AGREED TO PROVIDE THE SERVICE TO
13 THE RESPONDENT SHALL BE IDENTIFIED TO PROVIDE THE SERVICE.

14 ~~(3) IF THE TREATMENT PLAN INCLUDES MEDICATION, THE TYPES OF~~
15 ~~MEDICATION TO BE TAKEN SHALL BE IDENTIFIED, ALTHOUGH THE SPECIFIC~~
16 ~~MEDICATIONS OR DOSES NEED NOT BE IDENTIFIED.~~

17 (B) (1) THE RESPONDENT, THE RESPONDENT'S GUARDIAN, THE
18 RESPONDENT'S HEALTH CARE AGENT, AND ANY INDIVIDUAL DESIGNATED BY THE
19 RESPONDENT SHALL BE GIVEN A REASONABLE OPPORTUNITY TO PARTICIPATE IN
20 THE DEVELOPMENT OF THE TREATMENT PLAN.

21 (2) IF THE RESPONDENT HAS EXECUTED A MENTAL HEALTH ADVANCE
22 DIRECTIVE, ANY DIRECTIONS INCLUDED IN THE ADVANCE DIRECTIVE SHALL BE
23 HONORED ~~IN THE DEVELOPMENT OF THE TREATMENT PLAN UNLESS CONSIDERED~~
24 ~~CONTRARY TO THE BEST INTEREST OF THE RESPONDENT BY THE TREATING~~
25 ~~PSYCHIATRIST.~~

26 (3) (I) THE RESPONDENT SHALL HAVE AN OPPORTUNITY TO
27 VOLUNTARILY AGREE TO THE TREATMENT PLAN.

28 (II) IF THE RESPONDENT VOLUNTARILY AGREES TO THE
29 TREATMENT PLAN, THE PETITIONER'S ATTORNEY SHALL:

30 1. NOTIFY THE COURT THAT THE PARTIES ARE
31 DISMISSING THE CASE IN ACCORDANCE WITH MARYLAND RULE 2-506; AND

32 2. FILE A STIPULATED AGREEMENT THAT INCLUDES
33 THE TREATMENT PLAN.

1 **(4) THE CARE COORDINATION TEAM SHALL PROVIDE TO THE**
2 **RESPONDENT, THE COUNTY ATTORNEY, AND THE OFFICE OF THE PUBLIC**
3 **DEFENDER THE TREATMENT PLAN AND THE PROVIDERS THAT ARE INCLUDED IN**
4 **THE TREATMENT PLAN.**

5 **(5) IF THE CARE COORDINATION TEAM CHANGES THE TREATMENT**
6 **PLAN OR THE PROVIDERS INCLUDED IN THE TREATMENT PLAN BEFORE THE**
7 **HEARING CONDUCTED UNDER § 10-6A-06 OF THIS SUBTITLE, THE RESPONDENT,**
8 **THE COUNTY ATTORNEY, AND THE OFFICE OF THE PUBLIC DEFENDER PROMPTLY**
9 **SHALL BE NOTIFIED OF THE CHANGE AND THE JUSTIFICATION FOR THE CHANGE.**

10 **10-6A-06.**

11 **(A) (1) ON RECEIPT OF A PETITION FOR ASSISTED OUTPATIENT**
12 **TREATMENT THAT MEETS THE REQUIREMENTS OF § 10-6A-03 OF THIS SUBTITLE,**
13 **THE COURT SHALL SCHEDULE THE DATE FOR A HEARING.**

14 **(2) THE HEARING SHALL BE SCHEDULED NOT LATER THAN ~~3~~**
15 **BUSINESS 30 DAYS AFTER THE DATE THE PETITION IS RECEIVED BY THE COURT.**

16 ~~**(3) AN ADJOURNMENT SHALL BE GRANTED ONLY FOR GOOD CAUSE**~~
17 ~~**SHOWN AND IN CONSIDERATION OF THE NEED TO PROVIDE ASSISTED OUTPATIENT**~~
18 ~~**TREATMENT EXPEDITIOUSLY.**~~

19 **(3) A HEARING SHALL BE SCHEDULED ONLY IF THE RESPONDENT HAS**
20 **NOT AGREED TO ENTER VOLUNTARY TREATMENT.**

21 **(B) (1) THE RESPONDENT SHALL BE ENTITLED TO BE REPRESENTED BY**
22 **COUNSEL OF THE INDIVIDUAL'S CHOICE AT THE HEARING AND AT ALL STAGES OF**
23 **THE PROCEEDINGS.**

24 **(2) IF THE RESPONDENT IS UNABLE TO AFFORD AN ATTORNEY, OR IS**
25 **UNABLE TO OBTAIN AN ATTORNEY DUE TO THE RESPONDENT'S MENTAL ILLNESS,**
26 **REPRESENTATION SHALL BE PROVIDED BY ~~AN ENTITY THAT THE COUNTY~~**
27 **~~DESIGNATES TO PROVIDE REPRESENTATION FOR THE RESPONDENT~~ THE OFFICE OF**
28 **THE PUBLIC DEFENDER.**

29 **(3) ALL RULES OF CIVIL PROCEDURE SHALL APPLY TO CASES FILED**
30 **UNDER THIS SUBTITLE.**

31 **(4) THIS SUBTITLE MAY NOT BE CONSTRUED TO ABRIDGE THE**
32 **RIGHTS OF A RESPONDENT, AND ANY RIGHT NORMALLY AFFORDED TO AN**
33 **INDIVIDUAL IN A CIVIL OR CRIMINAL MATTER SHALL APPLY.**

1 **(5) PARTICIPATION IN ASSISTED OUTPATIENT TREATMENT MAY NOT**
2 **BE USED AGAINST A RESPONDENT IN A SUBSEQUENT LEGAL MATTER THAT CARRIES**
3 **NEGATIVE COLLATERAL CONSEQUENCES.**

4 **(C) AT THE HEARING, THE RESPONDENT SHALL BE GIVEN AN OPPORTUNITY**
5 **TO PRESENT EVIDENCE, TO CALL WITNESSES ON THE RESPONDENT'S BEHALF, AND**
6 **TO CROSS-EXAMINE ADVERSE WITNESSES.**

7 ~~**(D) IF THE RESPONDENT DOES NOT APPEAR AT THE HEARING AFTER**~~
8 ~~**REASONABLE EFFORTS TO SECURE THE RESPONDENT'S APPEARANCE, THE COURT**~~
9 ~~**MAY CONDUCT THE HEARING IN THE RESPONDENT'S ABSENCE.**~~

10 ~~**(E) (1) THE COURT SHALL SUSPEND THE HEARING IF THE RESPONDENT**~~
11 ~~**HAS NOT BEEN EXAMINED BY A PSYCHIATRIST WITHIN 10 DAYS BEFORE THE DATE**~~
12 ~~**OF THE PETITION.**~~

13 ~~**(2) IF THE RESPONDENT HAS REFUSED TO BE EXAMINED BY THE**~~
14 ~~**PSYCHIATRIST WHOSE AFFIDAVIT OR AFFIRMATION ACCOMPANIED THE PETITION,**~~
15 ~~**THE COURT MAY INVITE THE RESPONDENT TO CONSENT TO EXAMINATION BY A**~~
16 ~~**PSYCHIATRIST APPOINTED BY THE COURT.**~~

17 ~~**(3) (i) IF THE RESPONDENT DOES NOT CONSENT TO THE**~~
18 ~~**EXAMINATION, OR HAS NOT APPEARED AT THE HEARING AFTER REASONABLE**~~
19 ~~**EFFORTS TO SECURE THE RESPONDENT'S APPEARANCE, AND THE COURT FINDS**~~
20 ~~**PROBABLE CAUSE TO BELIEVE THAT THE ALLEGATIONS IN THE PETITION ARE TRUE,**~~
21 ~~**THE COURT MAY DIRECT THAT THE RESPONDENT BE TAKEN INTO CUSTODY AND**~~
22 ~~**TRANSPORTED TO AN APPROPRIATE FACILITY FOR EXAMINATION BY A**~~
23 ~~**PSYCHIATRIST.**~~

24 ~~**(ii) THE RETENTION OF THE RESPONDENT AT A FACILITY IN**~~
25 ~~**ACCORDANCE WITH SUBPARAGRAPH (i) OF THIS PARAGRAPH MAY NOT EXCEED 24**~~
26 ~~**HOURS.**~~

27 ~~**(4) A HEARING SUSPENDED IN ACCORDANCE WITH THIS SUBSECTION**~~
28 ~~**SHALL RESUME EXPEDITIOUSLY AFTER THE COMPLETION OF THE REQUIRED**~~
29 ~~**EXAMINATION.**~~

30 ~~**(F)**~~ **(D) (1) THE PETITIONER'S PRESENTATION OF EVIDENCE SHALL**
31 **INCLUDE THE TESTIMONY OF A PSYCHIATRIST WHOSE MOST RECENT EXAMINATION**
32 **OF THE RESPONDENT OCCURRED WITHIN 10 DAYS BEFORE THE DATE OF THE**
33 **PETITION AND WHO RECOMMENDS ASSISTED OUTPATIENT TREATMENT.**

1 (2) THE PSYCHIATRIST SHALL STATE THE FACTS AND CLINICAL
2 DETERMINATIONS PROVIDING THE BASIS FOR THE PSYCHIATRIST'S OPINION THAT
3 THE RESPONDENT MEETS EACH OF THE CRITERIA FOR ASSISTED OUTPATIENT
4 TREATMENT IN § 10-6A-04 OF THIS SUBTITLE.

5 ~~(G)~~ (E) (1) THE PETITIONER'S PRESENTATION OF EVIDENCE SHALL
6 INCLUDE THE TESTIMONY OF A ~~TREATING~~ PSYCHIATRIST TO EXPLAIN THE
7 TREATMENT PLAN, WHO MAY:

8 (I) MAY BE BUT NEED NOT BE THE EXAMINING PSYCHIATRIST
9 WHO TESTIFIED UNDER SUBSECTION ~~(F)~~ (D) OF THIS SECTION, TO EXPLAIN THE
10 TREATMENT PLAN; AND

11 (II) HAS MET WITH THE RESPONDENT OR HAS MADE A GOOD
12 FAITH EFFORT TO MEET WITH THE RESPONDENT, IS FAMILIAR WITH THE RELEVANT
13 HISTORY TO THE EXTENT PRACTICABLE, AND HAS EXAMINED THE TREATMENT
14 PLAN.

15 (2) FOR EACH CATEGORY OF PROPOSED TREATMENT, THE ~~TREATING~~
16 PSYCHIATRIST SHALL STATE THE CLINICAL BASIS FOR THE DETERMINATION THAT
17 THE TREATMENT IS ESSENTIAL TO THE MAINTENANCE OF THE RESPONDENT'S
18 HEALTH OR SAFETY.

19 (3) THE ~~TREATING~~ PSYCHIATRIST SHALL TESTIFY AS TO THE
20 PARTICIPATION, IF ANY, OF THE RESPONDENT IN THE DEVELOPMENT OF THE
21 TREATMENT PLAN.

22 (4) IF THE RESPONDENT HAS EXECUTED A MENTAL HEALTH ADVANCE
23 DIRECTIVE, THE ~~TREATING~~ PSYCHIATRIST SHALL STATE THE CONSIDERATION
24 GIVEN TO ANY DIRECTION INCLUDED IN THE ADVANCE DIRECTIVE IN DEVELOPING
25 THE TREATMENT PLAN.

26 ~~(H) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE A COURT TO~~
27 ~~COMPEL THE TESTIMONY OF A PSYCHIATRIST.~~

28 10-6A-07.

29 (A) IF, AFTER HEARING ALL RELEVANT EVIDENCE, THE COURT DOES NOT
30 FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT MEETS THE
31 CRITERIA FOR ASSISTED OUTPATIENT TREATMENT, THE COURT SHALL DENY THE
32 PETITION.

1 (B) (1) IF, AFTER HEARING ALL RELEVANT EVIDENCE, THE COURT FINDS
2 BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT MEETS THE
3 CRITERIA FOR ASSISTED OUTPATIENT TREATMENT, THE COURT SHALL ORDER THE
4 RESPONDENT TO COMPLY WITH ASSISTED OUTPATIENT TREATMENT FOR A PERIOD
5 NOT TO EXCEED 1 YEAR.

6 (2) THE COURT'S ORDER SHALL INCORPORATE A TREATMENT PLAN
7 THAT SHALL BE LIMITED IN SCOPE TO THE ELEMENTS INCLUDED IN THE
8 TREATMENT PLAN PRESENTED TO THE COURT, BUT SHALL INCLUDE ONLY THOSE
9 ELEMENTS THAT THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE TO BE
10 ESSENTIAL TO THE MAINTENANCE OF THE RESPONDENT'S HEALTH OR SAFETY.

11 10-6A-08.

12 (A) IN THIS SECTION, "MATERIAL CHANGE" MEANS AN ADDITION OR A
13 DELETION OF A CATEGORY OF SERVICES TO OR FROM THE TREATMENT PLAN OR ANY
14 DEVIATION FROM THE TERMS OF THE TREATMENT PLAN ~~RELATING TO THE~~
15 ~~ADMINISTRATION OF MEDICATION.~~

16 (B) AT ANY TIME DURING THE PERIOD OF AN ORDER FOR ASSISTED
17 OUTPATIENT TREATMENT, THE PETITIONER OR RESPONDENT MAY MOVE THAT THE
18 COURT STAY, VACATE, OR MODIFY THE ORDER.

19 (C) A MATERIAL CHANGE TO THE TREATMENT PLAN OF A RESPONDENT
20 UNDER COURT ORDER DOES NOT REQUIRE THE RESPONDENT'S COMPLIANCE
21 UNLESS EXPLICITLY AUTHORIZED IN ADVANCE BY THE TERMS OF THE COURT
22 ORDER OR INCORPORATED BY THE COURT ON A FINDING BY CLEAR AND
23 CONVINCING EVIDENCE THAT THE MATERIAL CHANGE IS ESSENTIAL TO THE
24 MAINTENANCE OF THE RESPONDENT'S HEALTH OR SAFETY.

25 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOT LATER
26 THAN ~~5 BUSINESS~~ 30 DAYS AFTER RECEIVING A ~~PETITION~~ MOTION, AND ANY TIMELY
27 REPLIES TO THE MOTION, FOR A MATERIAL CHANGE TO THE INCORPORATED
28 TREATMENT PLAN, THE COURT SHALL ~~HOLD A HEARING~~ RESPOND TO THE MOTION.

29 (2) IF THE RESPONDENT INFORMS THE COURT THAT THE
30 RESPONDENT AGREES TO THE PROPOSED MATERIAL CHANGE, THE COURT MAY
31 INCORPORATE THE MATERIAL CHANGE INTO THE TREATMENT PLAN WITHOUT A
32 HEARING.

33 (E) NONMATERIAL CHANGES TO THE TREATMENT PLAN SHALL BE DEEMED
34 TO REQUIRE THE RESPONDENT'S COMPLIANCE WITHOUT FURTHER ACTION BY THE
35 COURT.

1 (F) (1) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A ~~TREATING~~
2 PSYCHIATRIST TO DELAY CHANGES TO THE RESPONDENT'S TREATMENT PLAN AS
3 CIRCUMSTANCES MAY IMMEDIATELY REQUIRE.

4 (2) THE CARE COORDINATION TEAM SHALL NOTIFY THE COURT AND
5 THE ATTORNEYS FOR THE PETITIONER AND RESPONDENT IF A CHANGE IS MADE TO
6 A TREATMENT PLAN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

7 10-6A-09.

8 ~~(A) IF, AFTER REASONABLE EFFORTS TO SOLICIT COMPLIANCE, THE~~
9 ~~RESPONDENT HAS MATERIALLY FAILED TO COMPLY WITH THE ORDER OF ASSISTED~~
10 ~~OUTPATIENT TREATMENT, A TREATING PSYCHIATRIST MAY CONSIDER THE FAILURE~~
11 ~~TO COMPLY AS PERTINENT INFORMATION IN DETERMINING WHETHER A PETITION~~
12 ~~FOR EMERGENCY EVALUATION UNDER § 10-622 OF THIS TITLE IS WARRANTED.~~

13 ~~(B) IF A PETITION FOR EMERGENCY EVALUATION IS FILED, THE TREATING~~
14 ~~PSYCHIATRIST SHALL NOTIFY THE COURT IN WRITING OF THE REASONS FOR AND~~
15 ~~FINDINGS OF THE EVALUATION.~~

16 ~~(C) (A) IN RESPONSE TO THE NOTICE, OR AT~~ AT ANY TIME DURING THE
17 PERIOD OF THE ASSISTED OUTPATIENT TREATMENT ORDER ON ITS OWN MOTION,
18 THE COURT MAY CONVENE THE PARTIES FOR A CONFERENCE TO REVIEW THE
19 PROGRESS OF THE RESPONDENT.

20 (B) TO THE EXTENT PRACTICABLE, IF A PETITION FOR EMERGENCY
21 EVALUATION OF THE RESPONDENT IS FILED OR IF THE RESPONDENT IS THE
22 SUBJECT OF OTHER COURT INVOLVEMENT, THE PETITIONER SHALL NOTIFY THE
23 RESPONDENT'S CARE COORDINATION TEAM OF THE PETITION OR OTHER COURT
24 INVOLVEMENT.

25 ~~(D) (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
26 ~~SUBSECTION, FAILURE~~ FAILURE TO COMPLY WITH AN ORDER OF ASSISTED
27 OUTPATIENT TREATMENT IS NOT GROUNDS FOR A FINDING OF CONTEMPT OF COURT
28 OR FOR INVOLUNTARY ADMISSION UNDER THIS TITLE.

29 ~~(2) FAILURE TO COMPLY WITH AN ORDER OF ASSISTED OUTPATIENT~~
30 ~~TREATMENT MAY BE CONSIDERED BY A HEARING OFFICER IN DETERMINING,~~
31 ~~PURSUANT TO § 10-632 OF THIS TITLE, WHETHER HOSPITALIZATION IS THE LEAST~~
32 ~~RESTRICTIVE FORM OF INTERVENTION THAT IS CONSISTENT WITH THE WELFARE~~
33 ~~AND SAFETY OF THE INDIVIDUAL.~~

1 10-6A-10.

2 ~~(A) WITHIN 30 DAYS BEFORE THE EXPIRATION OF AN ORDER OF ASSISTED~~
3 ~~OUTPATIENT TREATMENT, A PETITIONER MAY PETITION THE COURT TO ORDER~~
4 ~~CONTINUED ASSISTED OUTPATIENT TREATMENT FOR A PERIOD NOT TO EXCEED 1~~
5 ~~YEAR FROM THE DATE OF THE EXPIRATION OF THE CURRENT ORDER. THE~~
6 ~~RESPONDENT'S CARE COORDINATION TEAM SHALL PROVIDE THE RESPONDENT~~
7 ~~WITH A PLAN FOR CONTINUED TREATMENT, IF CONSIDERED NECESSARY.~~

8 ~~(B) IF THE COURT'S DISPOSITION OF THE PETITION FILED UNDER~~
9 ~~SUBSECTION (A) OF THIS SECTION DOES NOT OCCUR BEFORE THE DATE OF THE~~
10 ~~EXPIRATION OF THE CURRENT ORDER, THE CURRENT ORDER SHALL REMAIN IN~~
11 ~~EFFECT UNTIL THE DISPOSITION.~~

12 ~~(C) THE PROCEDURES FOR OBTAINING ANY ORDER UNDER THIS SECTION~~
13 ~~SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.~~

14 10-6A-11.

15 ~~(A) ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADMINISTRATION SHALL~~
16 ~~SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE~~
17 ~~STATE GOVERNMENT ARTICLE, A REPORT ON EACH PROGRAM ESTABLISHED~~
18 ~~UNDER THIS SUBTITLE THAT INCLUDES:~~

19 ~~(1) THE NUMBER OF INDIVIDUALS WHO WERE ORDERED TO RECEIVE~~
20 ~~ASSISTED OUTPATIENT TREATMENT DURING THE IMMEDIATELY PRECEDING~~
21 ~~12-MONTH PERIOD;~~

22 ~~(2) THE EFFECT OF ASSISTED OUTPATIENT TREATMENT, IF ANY, ON~~
23 ~~THE INCIDENCE OF HOSPITALIZATION, ARRESTS, AND INCARCERATION AMONG~~
24 ~~INDIVIDUALS ORDERED TO RECEIVE ASSISTED OUTPATIENT TREATMENT; AND~~

25 ~~(3) A COST SAVINGS ANALYSIS REGARDING THE FUNDS SAVED BY~~
26 ~~INDIVIDUALS RECEIVING OUTPATIENT TREATMENT.~~

27 ~~(B) A JURISDICTION THAT ESTABLISHES A PROGRAM UNDER THIS~~
28 ~~SUBTITLE SHALL PROVIDE INFORMATION TO THE ADMINISTRATION THAT THE~~
29 ~~ADMINISTRATION DETERMINES IS NECESSARY FOR THE PURPOSE OF COMPLYING~~
30 ~~WITH SUBSECTION (A) OF THIS SECTION.~~

31 ~~(1) PROGRAM STATISTICS FOR THE IMMEDIATELY PRECEDING~~
32 ~~12-MONTH PERIOD, INCLUDING THE NUMBER OF:~~

- 1 **(I) PETITIONS FILED;**
- 2 **(II) RESPONDENTS UNDER COURT ORDER; AND**
- 3 **(III) VOLUNTARY AGREEMENTS MADE BY RESPONDENTS TO**
4 **COMPLY WITH A TREATMENT PLAN;**
- 5 **(2) DEMOGRAPHIC CHARACTERISTICS OF ASSISTED OUTPATIENT**
6 **TREATMENT PROGRAM RECIPIENTS DURING THE IMMEDIATELY PRECEDING**
7 **12-MONTH PERIOD, INCLUDING:**
- 8 **(I) AVERAGE AGE;**
- 9 **(II) LIVING SITUATION AT THE TIME OF THE ISSUANCE OF THE**
10 **ASSISTED OUTPATIENT TREATMENT ORDER;**
- 11 **(III) LIVING SITUATION AT THE TIME OF THE EXPIRATION OF**
12 **THE ASSISTED OUTPATIENT TREATMENT ORDER;**
- 13 **(IV) GENDER;**
- 14 **(V) MARITAL STATUS;**
- 15 **(VI) RACE AND ETHNICITY;**
- 16 **(VII) RELIGION;**
- 17 **(VIII) FAMILIAL STATUS;**
- 18 **(IX) NATIONAL ORIGIN;**
- 19 **(X) SEXUAL ORIENTATION;**
- 20 **(XI) GENDER IDENTITY; AND**
- 21 **(XII) DISABILITY;**
- 22 **(3) INFORMATION ON DIAGNOSES OF ASSISTED OUTPATIENT**
23 **TREATMENT RECIPIENTS, INCLUDING THE PERCENTAGE OF RECIPIENTS WITH**
24 **SCHIZOPHRENIA, PSYCHOSIS, OR BIPOLAR DISORDER, OR WHO ARE REPORTED AS**
25 **HAVING AN ALCOHOL OR SUBSTANCE USE DISORDER;**

1 **(4) INFORMATION ON THE BEHAVIORAL HEALTH SERVICES OFFERED**
2 **THROUGH TREATMENT PLANS USED BY RESPONDENTS INCLUDING THE FREQUENCY**
3 **WITH WHICH THOSE SERVICES WERE INCLUDED IN TREATMENT PLANS;**

4 **(5) INFORMATION ON SIGNIFICANT LIFE EVENTS OF RECIPIENTS,**
5 **INCLUDING THE PERCENTAGE OF ASSISTED OUTPATIENT TREATMENT RECIPIENTS**
6 **WHO HAVE EXPERIENCED HOMELESSNESS, WERE INCARCERATED, OR WERE**
7 **HOSPITALIZED IN A PSYCHIATRIC HOSPITAL IN THEIR LIFETIME;**

8 **(6) RECIPIENT OUTCOMES, INCLUDING:**

9 **(I) THE PERCENTAGE OF RECIPIENTS WHO HAVE BEEN**
10 **HOMELESS, HOSPITALIZED, OR INCARCERATED WHILE A RECIPIENT OF ASSISTED**
11 **OUTPATIENT TREATMENT COMPARED TO THE TIME BEING HOMELESS,**
12 **HOSPITALIZED, OR INCARCERATED BEFORE RECEIVING ASSISTED OUTPATIENT**
13 **TREATMENT SERVICES;**

14 **(II) THE PERCENTAGE OF ASSISTED OUTPATIENT TREATMENT**
15 **RECIPIENTS RECEIVING SERVICES DURING THE FIRST 6 MONTHS OF ASSISTED**
16 **OUTPATIENT TREATMENT AND AT THE MOST RECENT FOLLOW-UP COMPARED TO**
17 **BEFORE RECEIVING ASSISTED OUTPATIENT TREATMENT;**

18 **(III) ENGAGEMENT AND ADHERENCE RATINGS AT 6 MONTHS**
19 **AND AT THE MOST RECENT FOLLOW-UP COMPARED TO ENGAGEMENT AND**
20 **ADHERENCE RATINGS AT THE ONSET OF ASSISTED OUTPATIENT TREATMENT;**

21 **(IV) REDUCED DIFFICULTY IN AREAS OF SELF-CARE AND**
22 **SOCIAL AND COMMUNITY FUNCTIONING AT 6 MONTHS AND AT THE MOST RECENT**
23 **FOLLOW-UP COMPARED TO DIFFICULTIES AT THE ONSET OF ASSISTED OUTPATIENT**
24 **TREATMENT;**

25 **(V) REDUCED INCIDENCE OF HARMFUL BEHAVIORS AT 6**
26 **MONTHS AND AT THE MOST RECENT FOLLOW-UP COMPARED TO INCIDENCE OF**
27 **HARMFUL BEHAVIORS AT THE ONSET OF ASSISTED OUTPATIENT TREATMENT; AND**

28 **(VI) A SUMMARY OF THE OUTCOMES INCLUDED IN THE REPORT**
29 **UNDER ITEMS (I) THROUGH (V) OF THIS ITEM; AND**

30 **(7) A SURVEY OF THE SATISFACTION OF THE RECIPIENTS WITH THE**
31 **PROGRAM.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2023.