§ 9.05 Examining physicians, examining psychiatric nurse practitioners and medical certificates.

(a) A person is disqualified from acting as an examining physician or examining psychiatric nurse practitioner in the following cases:

1. if they are a relative of the person applying for the admission or of the person alleged to be mentally ill.

2. if they are a manager, trustee, visitor, proprietor, officer, director, or stockholder of the hospital in which the patient is hospitalized or to which it is proposed to admit such person, except as otherwise provided in this chapter, or if they have any pecuniary interest, directly or indirectly, in such hospital, provided that receipt of fees, privileges, or compensation for treating or examining patients in such hospital shall not be deemed to be a pecuniary interest.

3. if they are on the staff of a proprietary facility to which it is proposed to admit such person.

(b) A certificate, as required by this article, must show that the person is mentally ill and shall be based on an examination of the person alleged to be mentally ill made within ten days prior to the date of admission. The date of the certificate shall be the date of such examination. All certificates shall contain the facts and circumstances upon which the judgment of the physician or psychiatric nurse practitioner is based and shall show that the condition of the person examined is such that they need involuntary care and treatment in a hospital and such other information as the commissioner may by regulation require.