

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 736
Judiciary

(Delegate Brooks, *et al.*)

Judicial Proceedings

Police Officers - Mental Health - Employee Assistance Programs

This bill requires each law enforcement agency to (1) provide access to an “employee assistance program” or mental health program for all police officers that the law enforcement agency employs and (2) develop a policy to provide access to the required services at minimal cost to a police officer. The bill establishes requirements for the employee assistance program and for law enforcement agencies. “Employee assistance program” means a work-based program offered to all police officers that provides access to voluntary and confidential services to address the mental health issues of a police officer stemming from personal and work-related concerns, including stress, financial issues, legal issues, family problems, office conflicts, and alcohol and substance abuse disorders.

Fiscal Summary

State Effect: Minimal increase in State expenditures (multiple fund types) for some State law enforcement agencies to the extent that existing employee assistance programs must be modified to meet the bill’s requirements. Revenues are not affected.

Local Effect: Minimal increase in expenditures for some local governments to the extent that existing employee assistance programs must be modified to meet the bill’s requirements. Local revenues are not affected. **The bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: The employee assistance program must provide police officers access to confidential mental health services, including counseling services, crisis counseling, stress management counseling, mental health evaluations, and peer support services for police officers. The employee assistance program also must include a component designed to protect the mental health of police officers during periods of public demonstrations and unrest.

In addition to early intervention counseling, as part of the required employee assistance program, each law enforcement agency must provide to all police officers the agency employs a voluntary mental health consultation or counseling services before the police officer returns to full duty following any incident involving (1) a serious injury to the police officer; (2) an officer-involved shooting; (3) an accident resulting in a fatality; or (4) any use of force resulting in a fatality or serious injury.

Current Law/Background:

Maryland Police Training and Standards Commission

The Maryland Police Training and Standards Commission (MPTSC), an independent commission within the Department of Public Safety and Correctional Services, operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

In consultation with the Maryland Department of Health (MDH), MPTSC must establish a confidential hotline that is available for police officers and other law enforcement personnel to contact and speak with a trained peer law enforcement officer or a mental health professional who may provide initial counseling advice and confidential referral to appropriate services. In addition, MPTSC is required to develop standards for the mandatory psychological consultation with a law enforcement officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting or has returned from combat deployment.

Employee Assistance Program

The Employee and Labor Relations Division within the Department of Budget and Management administers the Employee Assistance Program, which provides confidential and professional referral and assessment services to State employees experiencing personal difficulties that are affecting job performance.

Early Intervention Counseling

Each law enforcement agency must establish a confidential and nonpunitive early intervention policy for counseling officers who receive three or more citizen complaints within a 12-month period. The policy may not prevent the investigation of or imposition of discipline for any particular complaint.

Maryland Behavioral Health Crisis Response System

The Maryland Behavioral Health Crisis Response System (BHCRS) must (1) operate a statewide network utilizing existing resources and coordinating interjurisdictional services to develop efficient and effective crisis response systems to serve all individuals in the State, 24 hours a day and 7 days a week; (2) provide skilled clinical intervention to help prevent suicides, homicides, unnecessary hospitalizations, and arrests or detention, and to reduce dangerous or threatening situations involving individuals in need of behavioral health services; and (3) respond quickly and effectively to community crisis situations.

In each jurisdiction, a crisis communication center provides a single point of entry to the system and coordination with the local core service agency (CSA) or local behavioral health authority, police, emergency medical service personnel, and behavioral health providers. Crisis communication centers *may* provide programs that include the following:

- a clinical crisis telephone line for suicide prevention and crisis intervention;
- a hotline for behavioral health information, referral, and assistance;
- clinical crisis walk-in services, including triage for initial assessment, crisis stabilization until additional services are available, linkage to treatment services and family and peer support groups, and linkage to other health and human services programs;
- critical incident stress management teams providing disaster behavioral health services, critical incident stress management, and an on-call system for these services;
- crisis residential beds to serve as an alternative to hospitalization;
- a community crisis bed and hospital bed registry, including a daily tally of empty beds;
- transportation coordination, ensuring transportation of patients to urgent appointments or to emergency psychiatric facilities;
- mobile crisis teams operating 24 hours a day and 7 days a week to (1) provide assessments, crisis intervention, stabilization, follow-up, and referral to urgent care and (2) arrange appointments for individuals to obtain behavioral health services;
- 23-hour holding beds;
- emergency psychiatric services;

- urgent care capacity;
- expanded capacity for assertive community treatment;
- crisis intervention teams with capacity to respond in each jurisdiction 24 hours a day and 7 days a week; and
- individualized family intervention teams.

The Behavioral Health Administration within MDH determines the implementation of BHCRS in collaboration with the local CSA or local behavioral health authority serving each jurisdiction. Additionally, BHCRS must conduct an annual survey of consumers and family members who have received services from the system. Annual data collection is also required on the number of behavioral health calls received by police, attempted and completed suicides, unnecessary hospitalizations, hospital diversions, arrests and detentions of individuals with behavioral health diagnoses, and diversion of arrests and detentions of individuals with behavioral health diagnoses.

Chapter 209 of 2018 established a Behavioral Health Crisis Response Grant Program in MDH to provide funds to local jurisdictions to establish and expand community behavioral health crisis response systems. The Governor must include the following appropriations in the State operating budget for the program: (1) \$3.0 million for fiscal 2020; (2) \$4.0 million for fiscal 2021; and (3) \$5.0 million for fiscal 2022.

State Expenditures: The State Employee Assistance Program provides confidential and professional referral and assessment services to State employees, including State law enforcement officers. Insurance plans offered to State employees also include some coverage for mental health services. In addition, some State agencies have established departmental employee assistance programs. However, it is unclear if the services currently offered meet the bill's requirements. To the extent that existing programs must be modified to meet the bill's requirements, State expenditures (multiple fund types) increase minimally.

Local Expenditures: Similar to the State, several local jurisdictions provide employee assistance programs for local government employees, including law enforcement officers. Insurance plans offered to local government employees also include some coverage for mental health services. In addition, some local law enforcement agencies have established employee assistance programs internal to their agencies. However, to the extent that existing programs must be modified to meet the bill's requirements, local government expenditures increase minimally.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 565 (Senator Washington, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel, Charles, and Montgomery counties; Maryland Association of Counties; Washington Suburban Sanitary Commission; City of Havre de Grace; Maryland Municipal League; Comptroller's Office; Baltimore City Community College; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2020
rh/lgc Third Reader - March 16, 2020
 Revised - Amendment(s) - March 16, 2020

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