

Chapter 676

**(House Bill 1222)**

AN ACT concerning

**Public Health – Baltimore City Behavioral Health Crisis Incident Review Team**

FOR the purpose of establishing the Baltimore City Behavioral Health Crisis Incident Review Team to examine behavioral health crises that involve interaction with law enforcement in Baltimore City and recommend and facilitate changes to minimize the need for law enforcement involvement in behavioral health crises; requiring that the review team be provided with access to certain information and records; establishing certain closed meeting, confidentiality, and disclosure requirements for certain information and records; and generally relating to the Baltimore City Behavioral Health Crisis Incident Review Team.

BY adding to

Article – Health – General

Section 24–1801 through 24–1807 to be under the new subtitle “Subtitle 18. Baltimore City Behavioral Health Crisis Incident Review Team”

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

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

**Article – Health – General**

**SUBTITLE 18. BALTIMORE CITY BEHAVIORAL HEALTH CRISIS INCIDENT REVIEW TEAM.**

**24–1801.**

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

(B) “MAYOR” MEANS THE MAYOR OF BALTIMORE CITY.

(C) “REVIEWTEAM” MEANS THE BALTIMORE CITY BEHAVIORAL HEALTH CRISIS INCIDENT REVIEW TEAM ESTABLISHED UNDER THIS SUBTITLE.

**24–1802.**

(A) THERE IS A BALTIMORE CITY BEHAVIORAL HEALTH CRISIS INCIDENT REVIEW TEAM IN BALTIMORE CITY.

**(B) THE MEMBERSHIP OF THE REVIEW TEAM SHALL BE ESTABLISHED BY THE MAYOR TO REFLECT A VARIETY OF ORGANIZATIONS, AGENCIES, AND AREAS OF EXPERTISE AND SHALL INCLUDE:**

**(1) THE MAYOR, OR THE MAYOR’S DESIGNEE;**

**(2) THE POLICE COMMISSIONER OF BALTIMORE CITY, OR THE COMMISSIONER’S DESIGNEE;**

**(3) THE BALTIMORE CITY COMMISSIONER OF HEALTH, OR THE COMMISSIONER’S DESIGNEE; AND**

**(4) THE PRESIDENT OF ~~BEHAVIORAL HEALTH SYSTEM BALTIMORE~~ THE LOCAL BEHAVIORAL HEALTH AUTHORITY FOR BALTIMORE CITY, OR THE PRESIDENT’S DESIGNEE.**

**(C) THE MAYOR SHALL DESIGNATE A CHAIR OR COCHAIRS FROM AMONG THE MEMBERS OF THE REVIEW TEAM.**

**(D) THE REVIEW TEAM MAY ESTABLISH SUBCOMMITTEES TO CARRY OUT THE WORK OF THE REVIEW TEAM.**

**(E) THE MAYOR SHALL ESTABLISH REQUIREMENTS AND PROCEDURES APPLICABLE TO THE REVIEW TEAM, INCLUDING:**

**(1) REQUIREMENTS FOR MEETINGS OF THE REVIEW TEAM AND ANY SUBCOMMITTEES ESTABLISHED BY THE REVIEW TEAM;**

**(2) CONFIDENTIALITY REQUIREMENTS; AND**

**(3) PROCEDURES RELATED TO THE COLLECTION, UTILIZATION, SHARING, AND DISCLOSURE OF INFORMATION COLLECTED BY THE REVIEW TEAM.**

**24-1803.**

**THE PURPOSE OF THE REVIEW TEAM IS TO:**

**(1) REVIEW BEHAVIORAL HEALTH CRISIS INCIDENTS INVOLVING LAW ENFORCEMENT IN BALTIMORE CITY;**

**(2) IDENTIFY ROOT CAUSES AND PATTERNS WITHIN AND ACROSS PUBLIC SYSTEMS THAT RESULT IN BEHAVIORAL HEALTH CRISES INVOLVING LAW ENFORCEMENT;**

**(3) PROVIDE RECOMMENDATIONS BASED ON IDENTIFIED FACTORS THAT CONTRIBUTE TO BEHAVIORAL HEALTH CRISES INVOLVING LAW ENFORCEMENT FOR QUALITY AND PERFORMANCE IMPROVEMENT;**

**(4) FACILITATE COORDINATION AND COLLABORATION AMONG ENTITIES INVOLVED IN THE BEHAVIORAL HEALTH AND LAW ENFORCEMENT SYSTEMS; AND**

**(5) ASSIST IN THE IMPLEMENTATION OF PROCEDURAL, LOGISTICAL, AND CLINICAL CHANGES TO MINIMIZE THE NEED FOR LAW ENFORCEMENT INVOLVEMENT IN BEHAVIORAL HEALTH CRISES.**

**24-1804.**

**(A) ON REQUEST OF THE REVIEW TEAM AND AS NECESSARY TO CARRY OUT THE PURPOSE AND DUTIES OF THE REVIEW TEAM, THE REVIEW TEAM SHALL BE PROVIDED WITH ACCESS TO:**

**(1) PUBLIC BEHAVIORAL HEALTH SYSTEM DATA, RECORDS OF SERVICE UTILIZATION HISTORY, AND CLINICAL INFORMATION RELEVANT TO A BEHAVIORAL HEALTH CRISIS INVOLVING LAW ENFORCEMENT UNDER REVIEW; AND**

**(2) INFORMATION AND RECORDS MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING DEATH CERTIFICATES, LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY, IF THE AGENCY PROVIDED SERVICES TO AN INDIVIDUAL WHOSE INTERACTION WITH LAW ENFORCEMENT DURING A BEHAVIORAL HEALTH CRISIS IS BEING REVIEWED BY THE REVIEW TEAM.**

**(B) SUBSTANCE ABUSE TREATMENT RECORDS REQUESTED OR PROVIDED UNDER THIS SECTION ARE SUBJECT TO ANY ADDITIONAL LIMITATIONS ON DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD DEVELOPED IN CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE TREATMENT SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R. PART 2.**

**24-1805.**

**(A) MEETINGS OF THE REVIEW TEAM SHALL BE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO THE OPEN MEETINGS ACT WHEN THE REVIEW TEAM IS DISCUSSING INDIVIDUAL BEHAVIORAL HEALTH CRISES OR INCIDENTS INVOLVING LAW ENFORCEMENT INTERACTION.**

**(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETINGS OF THE REVIEW TEAM SHALL BE OPEN TO THE PUBLIC AND ARE SUBJECT TO THE OPEN MEETINGS ACT WHEN THE REVIEW TEAM IS NOT DISCUSSING INDIVIDUAL BEHAVIORAL HEALTH CRISES OR INCIDENTS INVOLVING LAW ENFORCEMENT INTERACTION.**

**(C) (1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED THAT IDENTIFIES:**

**(I) A DECEASED INDIVIDUAL;**

**(II) AN INDIVIDUAL WHO HAS EXPERIENCED A BEHAVIORAL HEALTH CRISIS;**

**(III) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED INDIVIDUAL OR AN INDIVIDUAL WHO HAS EXPERIENCED A BEHAVIORAL HEALTH CRISIS; OR**

**(IV) AN INDIVIDUAL CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT.**

**(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED ABOUT THE INVOLVEMENT OF ANY AGENCY WITH:**

**(I) A DECEASED INDIVIDUAL;**

**(II) AN INDIVIDUAL WHO EXPERIENCED A BEHAVIORAL HEALTH CRISIS;**

**(III) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED INDIVIDUAL OR AN INDIVIDUAL WHO EXPERIENCED A BEHAVIORAL HEALTH CRISIS; OR**

**(IV) AN INDIVIDUAL CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT.**

**(D) THIS SECTION DOES NOT PROHIBIT THE REVIEW TEAM FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF A PERSON WHO HAS INFORMATION RELEVANT TO THE REVIEW TEAM'S EXERCISE OF ITS PURPOSE AND DUTIES.**

**24-1806.**

**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ALL INFORMATION AND RECORDS ACQUIRED BY THE REVIEW TEAM IN THE EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE:**

**(1) ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT; AND**

**(2) MAY BE DISCLOSED ONLY AS NECESSARY TO CARRY OUT THE REVIEW TEAM'S PURPOSE AND DUTIES.**

**(B) (1) MENTAL HEALTH RECORDS ARE SUBJECT TO THE ADDITIONAL LIMITATIONS UNDER § 4-307 OF THIS ARTICLE FOR DISCLOSURE OF A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE PROVISION OF MENTAL HEALTH SERVICES.**

**(2) SUBSTANCE ABUSE TREATMENT RECORDS ARE SUBJECT TO ANY ADDITIONAL LIMITATIONS FOR DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD DEVELOPED IN CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE TREATMENT SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R. PART 2.**

**(C) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD ALLOW THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC RECORDS.**

**(D) REPORTS OF THE REVIEW TEAM THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD ALLOW THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.**

**(E) EXCEPT AS NECESSARY TO CARRY OUT THE REVIEW TEAM'S PURPOSE AND DUTIES, MEMBERS OF THE REVIEW TEAM AND PERSONS ATTENDING THE REVIEW TEAM MEETING MAY NOT DISCLOSE:**

**(1) WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 24-1805 OF THIS SUBTITLE; OR**

**(2) ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY THIS SECTION.**

**(F) (1) MEMBERS OF THE REVIEW TEAM, INDIVIDUALS ATTENDING THE REVIEW TEAM MEETING, AND INDIVIDUALS WHO PRESENT INFORMATION TO THE REVIEW TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING ABOUT INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A MEETING.**

**(2) THIS SUBSECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE REVIEW TEAM OR THAT IS PUBLIC INFORMATION.**

**(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION, DOCUMENTS, OR RECORDS OF THE REVIEW TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.**

**(2) INFORMATION, DOCUMENTS, OR RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY WERE PRESENTED DURING PROCEEDINGS OF THE REVIEW TEAM OR ARE MAINTAINED BY THE REVIEW TEAM.**

**24-1807.**

**AN INDIVIDUAL WHO VIOLATES § 24-1805 OR § 24-1806 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.**