



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

January 31, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 8 - Mental Health – Treatment Plans for Individuals in Facilities – Requirements - Letter of Concern

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this Letter of Concern regarding Senate Bill (SB) 8 - Mental Health – Treatment Plans for Individuals in Facilities – Requirements. SB 8 will require certain information, including a long-range discharge goal, to be included on treatment plans for individuals with mental health disorders in certain healthcare facilities, including state healthcare facilities. SB 8 will also allow authorized individuals to participate in the review of the treatment plan and request a reassessment if they believe the treatment plan does not meet the patient’s needs. Upon receipt of the reassessment, individuals admitted to a state healthcare facility may request an administrative hearing to reconsider the review of their treatment plan.

MDH values the involvement and support of authorized individuals, such as family members and advocates, in the development and implementation of treatment plans for patients in our state facilities. MDH appreciates the bill sponsors’ interest in ensuring treatment plan review and feedback. Currently, treatment plans are developed by the team of licensed clinical professionals treating the individual, with the input of the patient and family as appropriate. Treatment plans are reviewed and signed off on by a licensed psychiatrist and then implemented.

SB 8 will have an impact on MDH healthcare facilities. The requirement for clinical staff to reassess a patient’s treatment plan and present a full clinical justification will require additional staff to manage these new requirements. Additionally, if upon reassessment, a patient in a state healthcare facility does not agree with the clinical staff review, the individual may file an appeal to the Office of Administrative Hearings (OAH). At the hearing, the state will have to justify, by clear and convincing evidence, that its treatment plan is appropriate, rather than the patient or their family, demonstrating why a change in the treatment plan is appropriate. Administrative Law Judges (ALJ), who oversee these hearings, often do not have a medical background and are tasked with ruling on clinical decisions made by licensed medical professionals.

MDH is discussing these concerns with the bill sponsors, including how this bill impacts the unique needs of the patients we serve. If you would like further information please contact Megan Peters, Acting Director, Office of Governmental Affairs, at 410-260-3190 or megan.peters@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, M.D., M.P.H.
Acting Secretary