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POSITION ON PROPOSED LEGISLATION

BILL: SB0008 – Mental Health – Treatment Plans for Individuals in Facilities – Requirements

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/20/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0008.

Marylanders who are involuntarily admitted to facilities for the purpose of receiving mental health treatment are often at their most vulnerable. They are removed from their daily lives and sequestered from the public, have limited access to friends and family, and are denied much of the autonomy that other Marylanders typically have in medical decision-making. While mental health facilities are currently required to provide treatment plans in these instances, hospitals are not required to adhere to guidelines as to who may be involved in developing the treatment plan, the review of the treatment plan, and the inclusion of alternative treatment options. Due to the lack of legal framework surrounding the administration of treatment plans for individuals experiencing a mental health crisis in an involuntary inpatient capacity, many of these individuals are denied involvement in the development and review of their own treatment plan.

As Public Defenders in the Mental Health Division, we are committed to advocating for the constitutional rights of our clients, many of whom have experienced the above identified issue. Individuals who are involuntarily receiving mental health treatment, regardless of whether they are experiencing a diminished capacity to make healthcare decisions, still have the constitutional right to be treated with dignity and to be afforded as much autonomy as possible. SB0008 will allow Marylanders to retain autonomy in their healthcare decision-making by delineating terms for which individuals can obtain reviews of their treatment plan as well as involve family members and/or representatives in treatment planning and reassessment. Further, individuals in state facilities will have the right to a legal representative to advocate for treatment plan reassessment before an Administrative Judge. The provisions of SB0008 constitute a significant step forward in securing patient rights for all Marylanders.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB0008.

Submitted by: Maryland Office of the Public Defender, Government Relations Division

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