

SB888 Testimony.pdf

Uploaded by: Antonio Hayes

Position: FAV

ANTONIO HAYES
Legislative District 40
Baltimore City

Finance Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 222
Annapolis, Maryland 21401
410-841-3656 • 301-858-3656
800-492-7122 Ext. 3656
Antonio.Hayes@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Tuesday, March 12, 2024

Testimony in Support of Senate Bill 888 Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs

Honorable Members of the Senate Finance Committee,

I am writing to express my strong support for Senate Bill 888, which authorizes local behavioral health authorities (LBHAs) to hire their own inspectors to monitor the quality and safety of behavioral health programs. This bill represents a crucial step towards ensuring the well-being of individuals receiving behavioral health services in our communities.

One of the most significant aspects of SB 888 is its provision for LBHAs to employ inspectors dedicated to overseeing behavioral health programs. These inspectors, in addition to any employed by the Maryland Department of Health (MDH), will play a vital role in ensuring that behavioral health facilities adhere to the highest standards of care. By having inspectors specifically focused on behavioral health, we can better address the unique challenges and complexities present in these settings.

Furthermore, SB 888 mandates that LBHAs track complaints against behavioral health programs and forward relevant information to the appropriate health occupations board. This accountability measure ensures that any concerns or grievances raised by individuals receiving care or their families are promptly addressed, contributing to improved transparency and responsiveness within the behavioral health system.

Additionally, the requirement for behavioral health programs to seek community input when forming agreements with LBHAs underscores the importance of involving stakeholders in decision-making processes. Community involvement fosters collaboration and ensures that the needs and perspectives of those served by behavioral health programs are adequately considered.

The provision allowing the Behavioral Health Administration (BHA) to adopt regulations to implement the bill further strengthens its effectiveness. Clear guidelines and standards set forth

by the BHA will help streamline the implementation process and provide clarity for LBHAs and behavioral health programs alike.

Finally, the requirement for BHA to report annually to the General Assembly on the implementation of SB 888 demonstrates a commitment to accountability and ongoing evaluation of its impact. These reports will enable legislators to assess the effectiveness of the bill's provisions and make informed decisions about future policies and resource allocation in the realm of behavioral health.

In conclusion, Senate Bill 888 represents a significant opportunity to enhance the quality and safety of behavioral health services in our state. By empowering LBHAs to hire inspectors, track complaints, and engage with communities, this bill addresses critical gaps in oversight and accountability within the behavioral health system. I urge you to support SB 888 and take this important step towards improving the well-being of individuals and families affected by behavioral health challenges.

Respectfully,



Senator Antonio L. Hayes
40th Legislative District – MD

SB 888 LBHAs.docx.pdf

Uploaded by: Emma Holcomb

Position: FAV



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Senate Finance Committee

SB 888 – Health – Local Behavioral Health Authorities and Oversight of Behavioral Health Programs

Tuesday, March 12, 2024 at 1:00 PM

Position: Support

Disability Rights Maryland (DRM) is Maryland’s state-designated Protection and Advocacy organization, empowered under state and federal law to protect individuals with disabilities from abuse, neglect and civil rights violations. DRM receives funding through the federal Protection and Advocacy for Individuals with Mental Illness (PAIMI) program and works with individuals with mental illness in institutions and in the community. As part of our advocacy, DRM works for access to effective treatment and community inclusion for individuals with mental illness.

Local behavioral health authorities (LBHAs) oversee many of the community behavioral health providers that our clients rely on for their behavioral health services. Adequate oversight and regulation of behavioral health providers is necessary to ensure that Marylanders always have access to high quality behavioral healthcare and are free from abuse, neglect, and rights violations in their healthcare. LBHAs provide that oversight, but they need the authority and the tools to effectively monitor behavioral health programs and respond to complaints. Disability Rights Maryland supports Senate Bill 888 because it would require LBHAs to track complaints against behavioral health programs and providers and forward complaint information about providers to the applicable regulatory board, helping to ensure that regulatory boards have the information they need to keep Marylanders safe from providers that may not meet their profession’s standards. It would also allow LBHAs to hire additional inspectors, helping to ensure that there is sufficient oversight of behavioral health providers. Disability Rights Maryland urges a favorable report on SB 888.

Should you have any questions or need additional information, please contact Em Holcomb, Staff Attorney at Disability Rights Maryland, at emh@disabilityrightsmd.org or at 443-692-2536.

GBA testimony SB888 3.12.2024 (1).pdf

Uploaded by: Meredith Chaiken

Position: FAV



Testimony
SB888 Health- Local Behavioral Health Authorities and Oversight of Behavioral Health Programs
Position: Support
MARCH 12, 2024

Chair Hayes and Members of the Senate Finance Committee:

Greater Baybrook Alliance urges your support of Local Behavioral Health Authorities and Oversight of Behavioral Health Programs.

Greater Baybrook Alliance (GBA) is a community development organization that acts as a catalyst and conduit for equitable development and reinvestment in the Brooklyn, Brooklyn Park, and Curtis Bay neighborhoods. GBA implements a robust community engagement practice that fosters collective efficacy amongst residents, business owners, and other local stakeholders to drive neighborhood revitalization activities.

Behavioral health clinics are disproportionately present in the Brooklyn, Brooklyn Park, and Curtis Bay communities. Some of these clinics provide needed services to our residents, including peer or one-on-one counseling, medication-assisted treatment, and other behavioral health approaches.

However, many facilities do not appear to be providing services to the local community. We do not observe patients receiving treatment; others do not maintain the public realm spaces in front of their properties, allowing loitering, trash, and ultimately crime to fester. Most importantly, our communities suffers from an over-saturation of these facilities in one small neighborhood - we have many more behavioral health clinics than serves our local residents.

We strongly recommend increasing oversight by Local Behavioral Health Authorities to ensure that poorer and disenfranchised communities do not bear the burden of lax enforcement. We strongly suggest increased collaboration between Local Behavioral Health Authorities and community based organizations, including education about regulations and code enforcement, free flow of information, documentation code violations, and opportunities for community input.

Please support appropriate oversight of Behavioral Health Programs in our state.

Meredith Chaiken
Executive Director

Letter of Support_ SB0888 Health - Local Behaviora

Uploaded by: Phylcia Porter

Position: FAV

CITY OF BALTIMORE

Room 527, City Hall
100 N. Holliday Street, Baltimore, Maryland 21202
Telephone: (410) 396-4822
Email: Phylicia.Porter@baltimorecity.gov



Councilwoman Phylcia R. L. Porter

District 10

MEMBER:

Public Safety and Government Operations
Education, Workforce, and Youth
Health, Environment, and Technology

March 11, 2024

The Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Testimony Supporting SB0888 Local Behavioral Health Authorities and Oversight of Behavioral Health Program

Re: Support for SB0888 Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Program

Dear Chair Beidle and Honorable Members of the Committee

I am writing in support of SB0888 Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs. Behavioral health plays a critical role in the overall vitality of the communities that I serve. Behavioral health, encompassing mental and emotional well-being, influences our ability to navigate life's challenges, maintain positive relationships, and contribute meaningfully to our society. To address and support the diverse needs of our community members, we must recognize the indispensable role played by behavioral health facilities. Yet as a public health practitioner, I believe that it is equally important that we think critically about the quality of the mental health services that are available to residents. As we strive to invest in communities that promote the well-being of all its members, it is essential to recognize the pivotal role that oversight plays in ensuring the delivery of high-quality services and outcomes.

The major issue within the current landscape of behavioral and mental health facilities is the lack of consistent oversight of secondary quality of life issues that impact community members. From a regulatory standpoint, while clinics are following the law, the current provisions have led to a variation in service quality and accountability. Reports of substandard practices and inconsistent intervention strategies underscore the need for a unified approach to safeguard the interests of individuals with substance use disorder (SUD). From a community perspective, rather than focusing on long-term recovery, mental health clinics serve as a continuous invitation to people who do not live within these communities and have become a breeding ground for crime, drug use, and drug exchange. With over 20 mental health clinics in South Baltimore, the over-saturation has left residents skeptical of their utility in the community.

SB0888 stands to address the need for stronger enforcement mechanisms on behalf of local behavioral health authorities and calls for increased community input in decision making. This

bill also highlights that by implementing rigorous standards and monitoring protocols, such oversight mechanisms will help prevent adverse events and protect some of our most vulnerable populations.

The recommendations outlined in SB0888 align with the goals of the community and move toward more equitable oversight and flexibility. This level of reform also has the power to reshape the public discourse around behavioral health clinics, how they are situated within our communities, and better establish behavioral health authorities as an essential part of our public health infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Phylcia Porter". The signature is fluid and cursive, with the first name "Phylcia" written in a larger, more prominent script than the last name "Porter".

Councilwoman Phylcia Porter, MPH, MSL - District 10
Phylcia.Porter@baltimorecity.gov

SB 888 - Support - MPS WPS.pdf

Uploaded by: Thomas Tompsett

Position: FAV



March 11, 2024

The Honorable Pamela Beidle
Senate Finance Committee
Miller Senate Office Building – 3 East
Annapolis, MD 21401

RE: Support – Senate Bill 888: Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs

Dear Chair Beidle and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS support Senate Bill 888: Senate Bill 888: Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs (SB 888) as major problems exist with fly-by-night behavioral health programs that are not compliant with regulations or laws, but the state lacks sufficient resources to identify, investigate, and sanction them. The measures introduced under SB 888 collectively contribute to a more robust and accountable behavioral health system, ultimately benefiting the well-being of individuals and communities in Maryland.

SB 888 seeks to increase oversight of Maryland's behavioral health programs by allowing local behavioral health authorities to hire their own inspectors. This additional layer of inspection can help identify and address issues promptly, ensuring that programs meet required quality and safety standards. Furthermore, requiring local authorities to track and forward complaints against behavioral health programs and healthcare providers fosters accountability within the system. SB 888 will ensure that complaints are properly addressed and that relevant regulatory bodies have the necessary information to take appropriate action, such as adjusting licensing or providing additional oversight. Finally, mandating community input in the adoption of agreements between behavioral health programs and local authorities promotes transparency and community engagement. This involvement can lead to programs that better meet the needs of the communities they serve, promoting trust and collaboration between stakeholders.



Therefore, MPS and WPS ask the committee for a favorable report on SB 888. If you have any questions concerning this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee

SB888_MDH_FWA

Uploaded by: Jason Caplan

Position: FWA



DEPARTMENT OF HEALTH

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

March 12, 2024

The Honorable Senator Pamela Beidle
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 888– Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs - Letter of Support with Amendments

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support with amendments for Senate Bill (SB) 888 – Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs.

SB 888 authorizes local behavioral health authorities (LBHAs) to hire their own inspectors to monitor behavioral health program quality and safety, track complaints against behavioral health programs and health care providers working at the programs, and forward certain complaint information to licensing boards for a certain purpose and requires behavioral health programs to seek community input when adopting its agreement to cooperate with a local behavioral health authority.

As part of the current licensure process, Maryland regulation requires that each local behavioral health authority enter into an agreement to cooperate, which identifies the LBHA as a designee of the Maryland Department of Health (MDH) for the intent and purposes of carrying out behavioral health activities in each jurisdiction. These activities include, but are not limited to, complaint investigations, transition of services, program closures, and/or service discontinuation. Most LBHAs already have staff who serve in this capacity. The Department provides financial support to local behavioral health authorities through its annual budget allocation to LBHAs for implementing these activities.

SB 888 would require the LBHA to seek community input when adopting an agreement to cooperate. The bill does not currently define the type of community input sought or what the possible effects of such community input would be. LBHAs do not have the authority to deny an agreement to cooperate with a provider, but allowing community input into a process suggests that the LBHA might be able to exercise such authority. If an LBHA were to have the authority to deny an agreement to cooperate, that would be the equivalent of a license denial, in which providers have the right to appeal under COMAR 10.63.06.19. This will require the LBHAs to

develop an appeals process. As currently drafted, the bill also does not include information on potential reasonable grounds for denial, which will allow jurisdictions to fairly and equitably implement the process of denying agreements to cooperate across jurisdictions. BHA recommends amending the bill to clarify that the LBHA cannot refuse to sign an agreement to cooperate, regardless of community input, and to further clarify what type of community input will be sought. While valuable, community input unfortunately often takes the form of communities violating the privacy of individuals in recovery or living with serious mental illness, as well as increasing the stigma faced by these individuals.

The Department's Behavioral Health Administration (BHA) currently works with LBHAs to ensure a coordinated response to monitoring behavioral health program quality and safety. LBHAs investigate complaints and critical incidents against behavioral health programs. Upon investigation, the LBHA provides technical assistance to licensed providers, issues plans of correction, and makes referrals to health occupation boards when individual practitioners have been identified as potentially operating outside the scope of their licensure requirements.

BHA notes that any additional inspectors hired by the LBHA will not fall under the LBHA's delegated authority and the presence of inspectors hired by the local authority will complicate the LBHA's ability to engage in enforcement activities. BHA recommends amending the bill to include language to clarify that, while the LBHAs may provide funding for additional investigator positions, those investigators will remain employees of the LBHA as an agent of BHA. This amendment would preserve the delegated authority required by law and prevent the creation of two parallel processes for investigation or other enforcement issues.

The Department supports the legislation's intent and would like to propose amendments that include revisions to align with the State's investments in updating licensing and compliance, provision of oversight for the monitoring of and tracking of complaints and their disposition.

If you have any further questions, please contact Sarah Case-Herron, Director, Office of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



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