

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

**Revised**

House Bill 752 (Delegate Rosenberg, *et al.*)

Environmental Matters

Economic and Environmental Affairs

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**Mental Hygiene Law - Advance Directives**

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This bill requires a residential mental health treatment facility, before releasing an individual, to notify the individual of the advisability of making an advance directive for mental health services. If the individual requests assistance in making an advance directive, the facility must assist the individual or refer the individual to an appropriate community resource for assistance. The facility director must notify the community resource of the referral.

The bill takes effect July 1, 2002.

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**Fiscal Summary**

**State Effect:** This bill would not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** An advance directive for mental health services may include: (1) the designation of an agent to make mental health services decisions for the declarant; (2) the identification of mental health professionals, programs, and facilities that the declarant would prefer to provide mental health services; (3) a statement of medication preferred by the declarant for psychiatric treatment; and (4) instruction regarding the notification of

third parties and the release of information to third parties about mental health services provided to the declarant.

**Current Law:** Except as otherwise provided, before a residential mental health treatment facility releases an individual who has been accepted as a resident in the facility, the administrative head of the facility or designee must prepare a written aftercare plan for the individual, and, with the consent of the individual, send the plan to the treatment program in the community that the individual chooses.

**Background:** An advanced directive for health care allows an individual, when capable of making an informed decision about health care, to specify services he or she would wish to receive if he or she became incapable of making such a decision in the future or to authorize an agent to make health care decisions on the individual's behalf in such a circumstance.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader – March 6, 2001  
ef/cer Revised – House Third Reader – March 21, 2001  
Revised – Enrolled Bill – April 12, 2001

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