

HOUSE BILL 1222

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By: **Delegate Amprey**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2022

CHAPTER _____

1 AN ACT concerning

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

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

11 BY adding to

12 Article – Health – General

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

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2021 Supplement)

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

19 **Article – Health – General**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 24-1801.

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

4 (B) "MAYOR" MEANS THE MAYOR OF BALTIMORE CITY.

5 (C) "REVIEW TEAM" MEANS THE BALTIMORE CITY BEHAVIORAL HEALTH
6 CRISIS INCIDENT REVIEW TEAM ESTABLISHED UNDER THIS SUBTITLE.

7 24-1802.

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

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

13 (1) THE MAYOR, OR THE MAYOR'S DESIGNEE;

14 (2) THE POLICE COMMISSIONER OF BALTIMORE CITY, OR THE
15 COMMISSIONER'S DESIGNEE;

16 (3) THE BALTIMORE CITY COMMISSIONER OF HEALTH, OR THE
17 COMMISSIONER'S DESIGNEE; AND

18 (4) THE PRESIDENT OF ~~BEHAVIORAL HEALTH SYSTEM BALTIMORE~~
19 THE LOCAL BEHAVIORAL HEALTH AUTHORITY FOR BALTIMORE CITY, OR THE
20 PRESIDENT'S DESIGNEE.

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

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

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

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

29 (2) CONFIDENTIALITY REQUIREMENTS; AND

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

3 **24-1803.**

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

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

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

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

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

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

19 **24-1804.**

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

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

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

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

6 **24-1805.**

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

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

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

18 **(I) A DECEASED INDIVIDUAL;**

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

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

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

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

28 **(I) A DECEASED INDIVIDUAL;**

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

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

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

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

10 24-1806.

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

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

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

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

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

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

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

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

4 **(1) WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER §**
5 **24–1805 OF THIS SUBTITLE; OR**

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

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

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

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

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

25 **24–1807.**

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

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