

# SENATE BILL 994

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CF HB 1467

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By: **Senator Eckardt**

Introduced and read first time: February 22, 2022

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Mental Health Advance Directives – Awareness and Statewide**  
3 **Database**

4 FOR the purpose of requiring the Maryland Department of Health to develop and  
5 implement a public awareness campaign to encourage the use of mental health  
6 advance directives in the State; requiring the Maryland Behavioral Health Crisis  
7 Response System in the Behavioral Health Administration to establish a database  
8 of mental health advance directives; and generally relating to mental health advance  
9 directives.

10 BY repealing and reenacting, without amendments,  
11 Article – Health – General  
12 Section 5–602.1  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2021 Supplement)

15 BY adding to  
16 Article – Health – General  
17 Section 5–615.2  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Health – General  
22 Section 10–1402  
23 Annotated Code of Maryland  
24 (2019 Replacement Volume and 2021 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Health – General**2 **5–602.1.**3 (a) In this section, “mental health services” has the meaning stated in §  
4 4–301(k)(1) of this article.5 (b) An individual who is competent may make an advance directive to outline the  
6 mental health services which may be provided to the individual if the individual becomes  
7 incompetent and has a need for mental health services either during, or as a result of, the  
8 incompetency.9 (c) (1) An individual making an advance directive for mental health services  
10 shall follow the procedures for making an advance directive provided under § 5–602 of this  
11 subtitle.12 (2) The procedures provided under § 5–604 of this subtitle for the  
13 revocation of an advance directive shall apply to the revocation of an advance directive for  
14 mental health services.

15 (d) An advance directive for mental health services may include:

16 (1) The designation of an agent to make mental health services decisions  
17 for the declarant;18 (2) The identification of mental health professionals, programs, and  
19 facilities that the declarant would prefer to provide mental health services;20 (3) A statement of medications preferred by the declarant for psychiatric  
21 treatment; and22 (4) Instruction regarding the notification of third parties and the release of  
23 information to third parties about mental health services provided to the declarant.24 **5–615.2.**25 **(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC**  
26 **AWARENESS CAMPAIGN TO ENCOURAGE THE USE OF MENTAL HEALTH ADVANCE**  
27 **DIRECTIVES IN THE STATE.**28 **(B) THE PUBLIC AWARENESS CAMPAIGN SHALL INCLUDE AWARENESS**  
29 **INITIATIVES TO ENCOURAGE AND SUPPORT OUTREACH EFFORTS BY THE**  
30 **FOLLOWING PERSONS AND GOVERNMENTAL AGENCIES TO INFORM PRESENT OR**  
31 **FUTURE RECIPIENTS OF MENTAL HEALTH SERVICES AND MEMBERS OF THEIR**  
32 **FAMILIES, HEALTH CARE PROVIDERS, AND OTHER BEHAVIORAL HEALTH CARE**  
33 **PARTNERS ABOUT MENTAL HEALTH ADVANCE DIRECTIVES:**

- 1           **(1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
2 **SERVICES;**
- 3           **(2) THE DEPARTMENT OF STATE POLICE;**
- 4           **(3) THE DEPARTMENT OF VETERANS AFFAIRS;**
- 5           **(4) LOCAL HEALTH DEPARTMENTS;**
- 6           **(5) LOCAL BEHAVIORAL HEALTH AUTHORITIES;**
- 7           **(6) BEHAVIORAL HEALTH PROGRAMS;**
- 8           **(7) PRACTICING PSYCHIATRISTS, PSYCHOLOGISTS, PROFESSIONAL**  
9 **COUNSELORS AND THERAPISTS, AND SOCIAL WORKERS;**
- 10           **(8) HEALTH CARE FACILITIES;**
- 11           **(9) ACADEMIC INSTITUTIONS;**
- 12           **(10) RELIGIOUS ORGANIZATIONS; AND**
- 13           **(11) OTHER PERSONS WHO ENCOUNTER PRESENT OR FUTURE**  
14 **RECIPIENTS OF MENTAL HEALTH SERVICES.**

15 10–1402.

16           (a) There is a Maryland Behavioral Health Crisis Response System in the  
17 Behavioral Health Administration.

18           (b) The Crisis Response System shall:

19           (1) Operate a statewide network utilizing existing resources and  
20 coordinating interjurisdictional services to develop efficient and effective crisis response  
21 systems to serve all individuals in the State, 24 hours a day and 7 days a week;

22           (2) Provide skilled clinical intervention to help prevent suicides, homicides,  
23 unnecessary hospitalizations, and arrests or detention, and to reduce dangerous or  
24 threatening situations involving individuals in need of behavioral health services; [and]

25           (3) **DEVELOP AND MAINTAIN A CENTRALIZED STATEWIDE DATABASE**  
26 **OF MENTAL HEALTH ADVANCE DIRECTIVES THAT CAN BE READILY ACCESSED TO**  
27 **ASSIST RESPONSES TO BEHAVIORAL HEALTH CRISES AND THE PROVISION OF**

1 **MENTAL HEALTH SERVICES BY FIRST RESPONDERS, HEALTH CARE PROVIDERS,**  
2 **CRISIS COMMUNICATION CENTERS, CRISIS TREATMENT CENTERS, AND ANY OTHER**  
3 **PARTNERS DESIGNATED BY THE ADMINISTRATION; AND**

4           **(4)** Respond quickly and effectively to community crisis situations.

5           (c) The Administration shall consult with consumers of behavioral health  
6 services, family members, and behavioral health advocates in the development of the Crisis  
7 Response System.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2022.