

## Chapter 297

**(Senate Bill 154)**

AN ACT concerning

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

FOR the purpose of requiring the Maryland Department of Health to develop and implement a public awareness campaign to encourage the use of mental health advance directives in the State; requiring the Behavioral Health Administration and the Maryland Health Care Commission jointly to study the feasibility and cost of establishing a centralized statewide database of mental health advance directives how first responders and behavioral health crisis providers can access a certain advanced directive database when responding to a behavioral health crisis; and generally relating to mental health advance directives.

BY repealing and reenacting, without amendments,  
 Article – Health – General  
 Section 5–602.1  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2022 Supplement)

BY adding to  
 Article – Health – General  
 Section 5–615.2  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2022 Supplement)

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

**Article – Health – General**

5–602.1.

(a) In this section, “mental health services” has the meaning stated in § 4–301(k)(1) of this article.

(b) An individual who is competent may make an advance directive to outline the mental health services which may be provided to the individual if the individual becomes incompetent and has a need for mental health services either during, or as a result of, the incompetency.

(c) (1) An individual making an advance directive for mental health services shall follow the procedures for making an advance directive provided under § 5–602 of this subtitle.

(2) The procedures provided under § 5–604 of this subtitle for the revocation of an advance directive shall apply to the revocation of an advance directive for mental health services.

(d) 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 medications 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.

#### **5–615.2.**

**(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC AWARENESS CAMPAIGN TO ENCOURAGE THE USE OF MENTAL HEALTH ADVANCE DIRECTIVES IN THE STATE.**

**(B) THE PUBLIC AWARENESS CAMPAIGN SHALL INCLUDE AWARENESS INITIATIVES TO ENCOURAGE AND SUPPORT OUTREACH EFFORTS BY THE FOLLOWING PERSONS AND GOVERNMENT AGENCIES TO INFORM PRESENT OR FUTURE RECIPIENTS OF MENTAL HEALTH SERVICES AND MEMBERS OF THEIR FAMILIES, HEALTH CARE PROVIDERS, AND OTHER BEHAVIORAL HEALTH CARE PARTNERS ABOUT MENTAL HEALTH ADVANCE DIRECTIVES:**

**(1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

**(2) THE DEPARTMENT OF STATE POLICE;**

**(3) THE DEPARTMENT OF VETERANS AFFAIRS;**

**(4) LOCAL HEALTH DEPARTMENTS;**

**(5) LOCAL BEHAVIORAL HEALTH AUTHORITIES;**

- (6) BEHAVIORAL HEALTH PROGRAMS;
- (7) PRACTICING PSYCHIATRISTS, PSYCHOLOGISTS, PROFESSIONAL COUNSELORS AND THERAPISTS, AND SOCIAL WORKERS;
- (8) HEALTH CARE FACILITIES;
- (9) ACADEMIC INSTITUTIONS;
- (10) RELIGIOUS ORGANIZATIONS; AND
- (11) OTHER PERSONS WHO ENCOUNTER PRESENT OR FUTURE RECIPIENTS OF MENTAL HEALTH SERVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) ~~(1)~~ The Behavioral Health Administration and the Maryland Health Care Commission jointly shall study the feasibility and cost of establishing a centralized statewide database of mental health advance directives that can be readily accessed to assist responses to behavioral health crises and the provision of mental health services by first responders, health care providers, crisis communication centers, crisis treatment centers, and any other partners designated by the Behavioral Health Administration.

~~(2) The study shall include an assessment of the feasibility and costs associated with:~~

~~(i) incorporating mental health advance directives into the State's current advance directive registry;~~

~~(ii) developing and maintaining an independent, centralized statewide database of mental health advance directives; and~~

~~(iii) incorporating mental health advance directives directly into the State-designated health information exchange~~ how first responders and behavioral health crisis providers can access the advanced directives database developed by the Maryland Health Care Commission, in collaboration with the State-designated health information exchange, in accordance with § 19-145.1 of the Health – General Article when responding to a behavioral health crisis.

(b) On or before December 1, 2023, the Behavioral Health Administration and the Maryland Health Care Commission jointly shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on the findings of the study required under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

**Approved by the Governor, May 3, 2023.**