

## Testimony

### HB 1474 – State Personnel – Maryland Department of Health – Pay Rates and Staffing Requirements

**Change in Patient Population** The concentration of court ordered individuals, referred to as forensic patients, in our state behavioral health and residential facilities has increased from 38% in 2002 to over 90% today. This increase has been driven largely by efforts of the courts to provide mental health care, rather than incarceration, to many individuals. Forensic patients are usually very sick when they're admitted. They've been charged with committing a crime and have not received treatment for their illness in detention or in our communities. As a symptom of their severe illness, forensic patients can be more aggressive and violent and require closer observation by staff. This is evidenced by the alarming incidents of violence that are reported in these facilities annually, which now average a patient-on-staff assault every 1.7 days. Unfortunately, in the last 10 years as this population shift really accelerated, there have been no meaningful changes in compensation levels (which vary by facility), staffing, or training. Today in these facilities, we have a critical staffing situation and growing security issues.

**Security Personnel Desperately Needed** Once these patients are transferred from local detention centers for admission into one of these MDH facilities for evaluation and treatment, they are placed in a unit who has either too few or no corrections personnel that specialize in behavioral health. This leaves nursing, clinical, and rehab staff without a uniformed backup in the unit, and worried about if they'll make it home in one piece after their shift is over. HB 1474 works to improve the conditions in our state hospitals for forensic patients and employees by addressing staffing issues for the facilities that have 75% or greater forensic admissions. The legislation increases pay by establishing a forensic pay differential for hard to recruit and retain positions. This legislation also brings much needed security personnel to these facilities.

**Staffing Shortages are Inefficient and Impact Patient Care** The way we're doing forensic hospital care now in Maryland is inefficient, unsafe, and fails to provide the treatment the courts mandate. The BHA vacancy rate was 6.6% in 2011 but has risen to over 10% in 2019. The DDA saw their vacancy rate in this same time period increase by 151%, from 7% to 17.6%. Additionally, DLS reports that under two-thirds of the employees who were working in the state facilities in 2017 are still there today. Finally, the MDH is projected to spend \$26.5 million on overtime in FY21 and has now spent \$30 million more than what was budgeted for overtime in the last 5 years. All of which translates to a lot of employees in these facilities working 16 hours days, multiple times a week. Short staffed facilities mean patients are experiencing delays in accessing individual therapy, anger management counseling, or work adjustment opportunities to prepare for discharge. It means tired and less alert staff. These are not the statistics you want associated with a workforce who is charged with providing life-saving care to vulnerable Marylanders. We are in a crisis and must act now by increasing pay and improving these working conditions.

**Increase Pay to Address Staffing Shortage** The administration will be meeting us halfway this year by including salary adjustments for some of these behavioral health workers, but those salary adjustments still maintain 3 different pay rates for workers who do the exact same job, have the same training, and care for patients who exhibit similar challenges. A 2012 independent study from Cannon Design, the 2016 Forensic Services Workgroup convened by then Health Secretary Van Mitchell, and the 2018 DLS Executive Branch Staffing Adequacy Study all confirmed one thing; the MDH cannot attract and retain forensic staff without improving pay. The administration's adjustments simply don't go far enough in fixing the low compensation issue—a direct care aid (or CNA) for example, will still be eligible for SNAP benefits and medical assistance after these salary adjustments from the administration kick-in on July 1. HB 1474 lifts these dedicated behavioral health workers over the poverty line finally and helps make these challenging and vital jobs more attractive.

**Our Forensic Hospital System Plays Important Role for Public Safety and Criminal Justice** Even with too few and mostly outdated resources, these behavioral health workers are expected to, and are capable of, doing incredible work with helping these patients face their charges in court and restoring them to safely enter our communities again. We're doing a disservice to these patients, these employees, and our communities by letting the state psychiatric system, which house our mental health ICU beds here in Maryland, whither down to crisis level staffing and unsafe, non-therapeutic environments. Let's address this now. Please provide a favorable report on HB 1474.