



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: House Bill 317 – Mental Health – Involuntary Admissions – Procedures

SPONSOR: Delegates K. Young, *et al.*

HEARING DATE: February 12, 2020

COMMITTEE: Health and Government Operations

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: OPPOSE

The Office of the Prince George's County Executive **OPPOSES House Bill 317 – Mental Health – Involuntary Admissions – Procedures**, which allows a facility or Veterans' Administration hospital to involuntarily admit an individual into confinement on observation status. The confined individual must be examined within 24 hours by a physician, psychologist, or psychiatric nurse practitioner. If the examining physician, psychologist, or psychiatric nurse practitioner finds that the individual does not meet the admission requirements, the individual shall be voluntarily admitted or released with an aftercare plan. When a hearing is held, an impartial hearing officer will receive testimony from the examining provider.

While HB 317 attempts to address involuntary admissions, the suggested process places significant burdens on emergency evaluators by requiring them to testify before an administrative law judge (ALJ). This requirement may have unintended consequences. For example, evaluators may unsafely discharge patients to avoid the need for testimony. Requiring testimony may also disincentivize providers from working as emergency evaluators, perhaps leading to staffing shortages in emergency rooms.

Emergency evaluators may need to testify before an ALJ during working hours. However, behavioral health providers often “moonlight” in emergency rooms in addition to 9 a.m. to 5 p.m. full-time employment. Telepsychiatric evaluations are also becoming more common with a provider located offsite. In these situations, it would be difficult for evaluators to provide in-person testimony.

Testifying is not a reimbursable service, which would strain the already problematic behavioral health payment structure. Evaluators would have to testify without being

able to bill insurance companies for their time. This requirement would lead to a lack of emergency evaluators.

For the reasons stated above, the Office of the Prince George's County Executive **OPPOSES House Bill 317** and asks for an **UNFAVORABLE** report.