

**Disability Rights Maryland**

Testimony before the House Health and Government Operations Committee  
February 12, 2020

**House Bill 317 – Mental Health – Involuntary Admissions – Procedures:** permitting a psychiatric nurse practitioner to perform the examination required within 24 hours of an individual who has been admitting involuntarily to a psychiatric ward for observation.

**POSITION: OPPOSE**

Disability Rights Maryland (DRM) is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. DRM advocates for systemic reforms and policies that improve services and supports for persons with psychiatric disabilities, and ensures that their rights are protected. DRM is here today to oppose House Bill 317, which would permit a psychologist, physician or psychiatric nurse practitioner to perform the examination required within 24 hours after an individual has been involuntarily admitted to a psychiatric ward for observation. Currently, this examination must be performed by a psychiatrist. To ensure that patients' civil rights and liberty interests are protected to the degree required by the Maryland and U.S. Constitutions, the current legal requirements should remain in place.

DRM maintains a presence in Maryland's public and private psychiatric units and hospitals and investigates complaints of abuse, neglect and rights violations on behalf of patients with psychiatric disabilities. DRM has had clients who were involuntarily admitted to a psychiatric ward after being certified by two emergency room physicians, only to be examined by a psychiatrist on the ward and diagnosed with a somatic health condition, such as a urinary tract infection (in the case of an elderly patient), a traumatic brain injury or a stroke, or dementia. DRM is extremely concerned that a psychologist or psychiatric nurse practitioner would not have the knowledge and training to reliably diagnose and distinguish between such somatic health conditions and mental illness requiring involuntary admission. While we note that many psychologists and psychiatric nurse practitioners are extremely skilled in working with patients with mental illness, there is simply no substitute for the services of a board-certified physician with a specialty in psychiatry for the initial 24-hour examination. The potential loss of liberty is simply too great in this instance. It is our understanding that this bill was proposed due to the scarcity of qualified psychiatrists in rural areas of the state. This should not be a reason we fail to provide Marylanders facing involuntary admission with the care and treatment they deserve. Hospitals can choose to offer greater compensation and benefits and otherwise improve job satisfaction to hire the psychiatrists they need and encourage medical students to enter the field of psychiatry. Such efforts would have a profound impact on Marylanders for the future, while continuing to protect their rights in the present.

**For these reasons, DRM recommends that House Bill 317 be given an unfavorable report.**