

Disability Rights Maryland
Testimony before the House Health and Government Operations Committee
March 4, 2020

POSITION: SUPPORT

House Bill 1140: Health Response and Stabilization System for Children and Families in Maryland – Study - Requiring the Maryland Department of Health and the Governor's Commission to Study Mental and Behavioral Health to jointly develop a comprehensive mobile response and stabilization program.

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. We submit this testimony today to support House Bill 1140, which would require the Department of Health and the Governor's Commission to jointly develop a comprehensive mobile response and stabilization program for children and youth. DRM is in support of this proposed legislation because Maryland's mental health system for children and youth is in crisis.

DRM maintains a presence in Maryland's public and private residential treatment centers and investigates complaints of abuse, neglect and rights violations on behalf of children with emotional and behavioral disabilities and their families. In DRM's experience, families are being forced to relinquish custody, as they did twenty years ago, to obtain appropriate mental health care for their children. Because crisis and low-level mental health treatment is largely unavailable, situations often escalate to crisis levels before families can obtain services. At that point, the child is often hospitalized, some- time for extended periods of time, children are sent to out-of-home placements, if they can get them, or children go into the juvenile justice system. We are especially concerned about the incidence of this happening to children who are dually diagnosed with developmental disabilities, such as autism or intellectual disabilities, and youth with substance abuse disorders.

We receive calls on a weekly basis from families seeking help getting their children admitted to residential treatment centers or out-of-state residential placements. Parents and guardians have received the message that crisis services are largely unavailable and that a Voluntary Placement Agreement is needed to obtain Residential Treatment Center services. Unfortunately, when these parents go to their local Department of Human Services office to apply for a VPA, they are most often turned away or discouraged from applying. Parents then have nowhere to turn, so when their child is finally hospitalized with a psychiatric admission or emergency petition, some- times parents will refuse to take the child home, as it is unsafe. This cannot be allowed to continue. Mental health services for children need to be significantly and substantially increased. Preventive services, including wraparound mental health services like the 1915i Waiver, need to be put in place. Under the Americans with Disabilities Act, children and youth with disabilities have the right to receive services in the most integrated setting appropriate to their needs. For most children and youth, this will be in the family home and in their communities. Failing to provide services until the child is in crisis is costly and may violate the ADA as well as other federal laws, such as the Early Periodic Screening, Diagnosis and Treatment (EPSDT), which covers Medicaid-eligible children and youth to age 21. Maryland has a 1915i waiver, but it is underutilized and ineffective. It is our understanding that Maryland began negotiating with CMS to improve the waiver but there has not been substantial progress. Creating a plan for a comprehensive mobile response and stabilization program would be a good start to give Maryland's children and youth the mental health treatment they deserve.

For these reasons, DRM recommends that House Bill 1140 be given a favorable report. For further questions, please feel free to contact Luciene Parsley, Legal Director at Disability Rights Maryland, lucienep@disabilityrightsmd.org or 410-727-6352 x2494.