



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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March 8, 2021

The Honorable Senator Delores G. Kelley
Chairperson of the Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: TESTIMONY IN SUPPORT OF SENATE BILL 815 WITH
AMENDMENTS**

**Mental Health Facilities - Sexual Abuse and Harassment - Reporting
and Prevention**

Dear Chairperson Kelley, Senator Klausmeier, and Members of the Committee:

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides various free civil legal services to the State's low-income and vulnerable residents. Annually, MLA represents almost 2,500 Maryland children ages 0 through 21 in Children in Need of Assistance (CINA) and Termination of Parental Rights (TPR) proceedings. Many of those foster children are admitted to a children's inpatient mental health facility. In addition, MLA is the contracted Legal Service Provider for adult residents in State psychiatric and behavioral health facilities. MLA supports HB 815 with an amendment and asks that this committee give it a favorable report.

This letter serves as notice that Erica LeMon, Esq. will testify on behalf of MLA, on Senator Kathy Klausmeier's invitation. SB 815 seeks to amend the Health-General Article of the Annotated Code of Maryland Sections 10-101, 10-701, and 10-705, which will increase oversight of both public and private mental health facilities upon patient complaint of sexual abuse or sexual harassment. If enacted, these facilities will be required to report these complaints to the Maryland Department of Health, Office of Health Care Quality, and, where relevant, the Maryland Department of Human Services Division of Child Protective Services. The bill requires uniform internal complaint processing, reporting, and victim treatment planning.

Patients at mental health facilities are very vulnerable to physical and sexual abuse and sexual harassment. Both adult and minor child patients in Maryland will benefit from SB 815's increased protection against this abuse, whether committed by their peers or by facility staff. SB 815 will reduce patient

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trauma compared to the current system. MLA asserts, however, that the reporting mandate should have a deadline. A compulsory fixed period for reporting will ensure a timely response by facility staff and administrative agencies, which will address the affected patient's safety and health needs more adequately. Some examples follow.

MLA represented a minor female survivor of sex trafficking who was placed at a residential facility. Unfortunately, a predatory male staff member at the facility sexually victimized her. Further victimization could have been prevented by a written protection plan tailored to her needs and history. MLA supports the requirement that facilities adopt a written protection plan for patients based upon their risk of sexual abuse victimization.

MLA represented an adult patient at a mental health facility who had made repeated complaints of sexual abuse. The facility's responses to his complaints were inconsistent, which led the patient to feel unsafe and to create a barricade in his room. SB 815 provides exact, consistent requirements in both state and private residential mental health facilities and ensures that violations are enforceable by the designated patient advocacy entity.

MLA supports SB 815 but recommends an amendment that imposes a time limit for reporting sexual harassment complaints:

1. Page 3, Lines 18-19: "(3) **WITHIN TWENTY-FOUR (24) HOURS OF RECEIVING A COMPLAINT, THE ADMINISTRATIVE HEAD OF** a [State] facility shall report complaints of [sexual] abuse [and] **OR** sexual harassment to:"

Thank you for your consideration of this written testimony. For the reasons stated above, **MLA urges a favorable report on SB 815 with the proposed amendment.**

/s/ Miriam Sincell
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