



**\*\*SUPPORT WITH AMENDMENT\*\***

**February 9, 2021  
Support for SB 398  
Senate Finance Committee**

**Mental Health Law – Petitions for Emergency Evaluation - Procedures**

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for Senate Bill 398- Mental Health Law – Petitions for Emergency Evaluation – Procedures

This bill would repeal the requirement that a peace officer be involved in the emergency petition process and leaves that choice up to the mental health professional who has done the evaluation. It is often very helpful to have the aid of a peace officer in these difficult situations. However, there have been a number of unfortunate cases where the involvement of law enforcement has made the situation worse rather than better. NASW support the bill’s intent to reduce/remove police involvement in accessing mental health treatment.

While considering this legislation we reached out to our clinicians who have been involved in the EP process and here are some of their comments:

“As someone who does 4-6 EP per year, I would support this bill. Very often my families of color do not want the police called to their homes or to assist with their loved ones under any circumstance. Even to the point that they will underreport or hide information that they know may result in EP (even when they desperately want help!)”

“This would be great for ACT teams and mobile crisis teams as well. While some mobile crisis teams work with police (officer goes out to every one of the mobile crisis teams calls), some do not. The clinicians go out on their own to assess intervene and call police in if needed (for EP or if situation is acutely dangerous). ACT teams and other forms of mobile intensive treatment, are used to seeing their clients in the community and often transport to many other places.”

In spite of our support for the overall bill, NASW-MD does have some concerns about the implementation; including hand off at the hospital in the absence of a police officer and interpretation. For example, we have a question about the legal process. The EP itself is involuntary and cannot become voluntary. It means that the person is a danger to the life or safety of themselves or others and cannot or will not agree to be evaluated voluntarily. If the person agrees to be transported by the clinician does the EP become voluntary?

NASW-MD would be happy to work with the committee and other stakeholders to find solutions to the concerns above.

Thank you,

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NASW-Maryland Chapter

