



Committee: Finance
Bill Number: Senate Bill 398
Title: Mental Health Law – Petitions for Emergency Evaluation - Procedures
Hearing Date: February 9, 2021
Position: Letter of Concern

The Maryland Nurses Association (MNA) submits this letter of concern for *Senate Bill 398 – Mental Health Law – Petitions for Emergency Evaluations – Procedures*. This bill would allow behavioral health providers, including psychiatric nurse practitioners and clinical nurse specialist in psychiatric and mental health, to bring an emergency evaluatee to an emergency facility under an emergency petition.

MNA strongly supports the intent of this legislation, which is to decrease the involvement of law enforcement in responding to individuals in a behavioral health crisis. We support the bill’s emphasis on the involvement of behavioral health professionals at the earliest possible moment in the emergency petition process.

MNA is concerned that nurses and their colleagues will face an increased risk of workplace violence as an unintended consequence of this bill. Under current statute, a hospital can request that the peace officer remain at the facility after providing transportation of the patient to the hospital. This option is critical as federal rules limit the type of security that hospitals can directly provide in a patient setting. If an evaluatee poses a danger, the peace officer’s presence may be critical to protecting hospital staff, patients, and visitors.

The bill allows for health care practitioners to directly transport an individual to a hospital for an emergency evaluation. In these cases, is there a way for the hospital to request a peace officer to be present if the patients poses a danger to themselves, hospital staff, other patients, or visitors? This is a gap not addressed by the bill. Nurses are concerned because of the high rate of workplace violence they face, particularly in emergency rooms.

Thank you for your consideration of our testimony. We would be happy to work with the bill sponsors, Committee members and other stakeholders in addressing these concerns so that the legislation can move forward. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

