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March 10, 2021

To: The Honorable Delores G. Kelley  
Chair, Finance Committee

From: The Office of the Attorney General, Health Education and Advocacy Unit

Re: Senate Bill 815 (Mental Health Facilities - Sexual Abuse and Harassment - Reporting and Prevention): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports Senate Bill 815 because the bill's expanded protections would help to prevent physical, emotional and financial harm to patients while they are in treatment at mental health facilities. This bill requires a mental health facility to report complaints of sexual abuse and sexual harassment to (1) the Behavioral Health Administration (BHA) and the Office of Health Care Quality (OHCQ) within the Maryland Department of Health (MDH); (2) the Child Protective Services unit in the Department of Human Services, if the complaint involves a minor; and (3) the State designated protection and advocacy system. The bill requires all mental health facilities (rather than only State facilities as current law requires) to develop and implement policies and procedures regarding abuse allegations and complaints of sexual abuse or harassment. Each facility must adopt a written protection plan as a part of a patient's treatment plan. OHCQ must enforce these requirements.

According to MDH, 38 reports of sexual abuse or harassment were received from 5 State psychiatric hospitals in calendar 2020; an additional 41 mental health facilities would be required to report sexual abuse or harassment complaints to BHA and OHCQ, and OHCQ must enforce the bill's requirements. MDH estimates that approximately 240 additional reports will be received from mental health facilities annually under the bill. The harm that would be prevented by this bill outweighs the economic costs; persons

seeking the help they so desperately need should not have to encounter or endure sexual misconduct as a condition of getting help.

We ask the Committee for a favorable report.

cc: Sponsor