

House Health and Government Operations Committee

February 2, 2021

House Bill 29 – Health – Standards for Involuntary Admissions and Petitions for Emergency
Evaluation – Substance Use Disorder**POSITION: OPPOSE**

Disability Rights Maryland (DRM) strongly opposes HB 29, because it violates the substantive due process rights of individuals who have a substance use disorder, and could overburden state psychiatric facilities and emergency services.

House Bill 29 Violates Substantive Due Process Rights

HB 29 authorizes the emergency petition and subsequent involuntary commitment of an individual who has a substance use disorder, but is not diagnosed with a mental illness, to a facility for treatment. Pursuant to Supreme Court jurisprudence, an individual cannot be committed involuntarily for treatment unless that individual has a mental illness and is unable to live safely in the community. Further, a state must prove mental illness and dangerousness by clear and convincing evidence, and cannot continue to detain an involuntarily committed individual if he or she no longer has a mental illness.

House Bill 29 would overburden state psychiatric hospitals as they do not provide substance abuse treatment, and could significantly increase the usage of emergency services.

State psychiatric hospitals are *only* equipped to provide treatment for mental illness, not substance abuse issues (emphasis added). The extent to which state psychiatric hospitals provide any substance abuse treatment is in the form of voluntary substance abuse support groups within the facility. Any recommended substance abuse treatment beyond a voluntary support group may be included in the individual's discharge plan, but would not begin until the individual is deemed ready for release. HB 29 could potentially cause a significant increase in involuntary admissions to state psychiatric hospitals which are already overburdened. Similarly, HB 29 could result in the overutilization of scarce emergency mental health services.

For the reasons stated above, we urge that House Bill 29 be given an unfavorable report.