



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony in Support of HB0537

Mental Health Law – Petitions for Emergency Evaluation – Procedures

Delegate Sheila Ruth

February 16, 2021

HB537 is one small step towards reducing contact between individuals in mental health crisis and the police. When a person in mental health crisis may be a danger to themselves or others, Maryland law allows a mental health professional or a police officer to write a petition for emergency evaluation. Under current law, a mental health clinician writing a petition must call the police to transport the emergency evaluatee to an emergency facility for evaluation.

When police respond to calls for a person in crisis, it can lead to trauma or even death. Although many police departments are starting to provide training on dealing with people in crisis, a week's training cannot possibly teach the depth of knowledge possessed by a clinician who has years of education and experience in dealing with serious mental illness.

Police may misunderstand the behavior of a person in crisis as threatening, and react with force, possibly deadly force. 1 in 4 individuals killed by police are experiencing a mental health crisis, according to statistics from the Treatment Advocacy Center. But even in less extreme situations, police will use handcuffs when transporting an emergency evaluatee, which may cause additional emotional trauma to someone already in crisis.

HB537 removes the requirement that a police officer be involved and instead leaves it to the discretion of the clinician. The clinician may still call the police if, in their judgement the situation warrants it. But by removing the requirement, it also allows the clinician to take the emergency evaluatee to the emergency facility themselves, or to call other resources, such as mobile crisis units. The key is discretion: it leaves the decision in the hands of the mental health professionals who are best equipped to make that decision.

The amendment I've uploaded with the testimony makes improvements to this bill based on discussions with various stakeholders.

- It clarifies that if the police are called by the clinician, the police must respond.
- Clarifies that a clinician who transports an emergency evaluatee shall have the same immunity from liability currently granted to police in that situation.

HB537 will save lives, and allow a more humane approach for people in mental health crisis. I ask for a favorable report for HB537.