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February 26, 2021

The Honorable Delegate Shane E. Pendergrass  
Chairperson of the Health and Government Operations Committee  
Room 241  
House Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY IN SUPPORT OF HOUSE BILL 881 WITH AMENDMENTS**  
Mental Health Facilities - Sexual Abuse and Harassment - Reporting and  
Prevention

Dear Chairperson Pendergrass and Members of the Committee:

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides a variety of free civil legal services to the State's low-income and vulnerable residents. Annually, MLA represents almost 2,500 Maryland children ages 0 through 21 in Children in Need of Assistance (CINA) and Termination of Parental Rights (TPR) proceedings. Many of those foster children are admitted to a children's inpatient mental health facility. In addition, MLA is the contracted Legal Service Provider for adult residents in State psychiatric and behavioral health facilities. MLA supports HB 881 with an amendment, and asks that this committee give it a favorable report.

This letter serves as notice that Miriam Sincell, Esq. will be testifying on behalf of MLA, upon invitation by Delegate Geraldine Valentino-Smith. HB 881 seeks to amend the Health-General Article of the Annotated Code of Maryland Sections 10-101, 10-701, and 10-705, which will increase oversight of both public and private mental health facilities upon patient complaint of sexual abuse or sexual harassment. If enacted, these facilities will be required to report the complaints to the Maryland Department of Health, Office of Health Care Quality and, where relevant, the Maryland Department of Human Services Division of Child Protective Services. The bill requires uniform internal complaint processing, reporting, and victim treatment planning.

Patients at mental health facilities are very vulnerable to physical and sexual abuse and sexual harassment. Both adult and minor child patients in Maryland will benefit from HB 881's increased protection against this abuse, whether it be committed by their peers or by facility staff. HB 881 will reduce patient trauma compared to the current system.

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MLA asserts, however that the reporting mandate should have a deadline. A compulsory fixed period for reporting will ensure a timely response by facility staff and administrative agencies, which will more adequately address the safety and health needs of the affected patient(s). Some examples follow.

MLA represented one minor female survivor of sex trafficking who was placed at a residential facility. Unfortunately, a predatory male staff member at the facility sexually victimized her. Further victimization could have been prevented by a written protection plan that was tailored to her needs and her history. MLA supports the requirement that facilities adopt a written protection plan for patients based upon their risk of sexual abuse victimization.

MLA represented an adult patient at a mental health facility who had made repeated complaints of sexual abuse. The facility's responses to his complaints were inconsistent, which led the patient to feel unsafe and create a barricade in his room. HB 881 provides clear, consistent requirements in both state and private residential mental health facilities and ensures that violations are enforceable by the designated patient advocacy entity.

MLA supports HB 881 but recommends an amendment that imposes a time limit for reporting sexual harassment complaints:

1. Page 3, Lines 18-19: “(3) **WITHIN TWENTY-FOUR (24) HOURS OF RECEIVING A COMPLAINT, THE ADMINISTRATIVE HEAD OF** a [State] facility shall report complaints of [sexual] abuse [and] **OR** sexual harassment to:”

Thank you for consideration of this written testimony. For the reasons stated above, **MLA urges a favorable report on HB 881.**

/s/Miriam Sincell  
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Maryland Legal Aid