



APPROPRIATIONS

HB 406 – Children in Out-of-Home Placements

– Placement in Medical Facilities

Position: Support

February 15, 2022

On behalf of the Citizens Review Board for Children, an organization that seeks to advocate for all Maryland's children, we strongly urge you to support HB 6 – Maryland Medical Assistance Program – Dental Coverage for Adults.

The Citizens Review Board for Children (CRBC) is a federally mandated citizens panel that provides oversight for child welfare. The CRBC is composed of over 150 Governor appointed citizens on local out-of-home placement review boards in Maryland's 23 counties and Baltimore City.

Child welfare-involved children and youth with complex behavioral, developmental and/or psychiatric challenges have been routinely forced to endure unnecessary or extended hospitalizations with little or no access to education, outdoor recreation opportunities, or community and family engagement. This circumstance is commonly referred to as hospitals "overstays" or "psychiatric boarding." Due to the acute shortage of appropriate therapeutic residential options, out-of-home placements for these children frequently are limited to psychiatric boarding or one-on-one supervision in a motel. Overstays are detrimental to children, in violation of their civil rights, and limits the ability of our medical facilities to admit and treat other Maryland citizens in need of psychiatric care. Housing children in motels is also unacceptable.

The CRBC supports HB 406 as an unfortunately necessary first step towards addressing a long-term systemic shortage of clinically preventative and wraparound services as well as appropriate in-state placements options for child welfare-involved youth with complex behavioral, developmental and psychiatric needs. To date the detriment of affected children, wasting scarce human and financial resources on unnecessary psychiatric overstays, lawsuits, and media coverage have not motivated the Department of Human Services (DHS), the Maryland General Assembly, the judiciary and local jurisdictions to work collaboratively to resolve this crisis.

Enactment of HB 406 will: 1) alter the circumstances under which the court may commit a child for inpatient care in a psychiatric facility; 2) establish requirements and procedures for placement by local departments of social services; 3) authorize affected health care facilities to petition the court to compel the local department to remove a child from its care; 4) require the DHS to make a \$2,000 per day payment for violations; 5) establish a foster child support fund; 6) prohibit an emergency facility from admitting or keeping certain minors, under certain circumstances, beyond a specified time period; and 7) creates a task force to examine the placement of foster children in emergency departments.

This legislative prescription fails to adequately address the complexities of psychiatric

boarding and the lack of appropriate in-state therapeutic residential placement alternatives. However, it is hoped that this legislation will force the stakeholders to engage in discharge planning early in the hospital stay, develop back-up plans, and most importantly, force the government entities (e.g., local jurisdictions, the Developmental Disabilities Administration, and Behavioral Health Administration) involved to break stalemates over who will accept responsibility for finding and funding the least restrictive appropriate therapeutic placement. While it is hoped that greater government collaboration, reducing judicial complicity, and the more efficient use of existing resources may provide immediate short-term relief, it will not solve the crisis in the long-term. Developing adequate in-state therapeutic community-based residential placement options for these children will require the public will and the Maryland General Assembly to make a significant financial investment. The above-referenced foster care support fund and cost-savings from governmental efficiencies will be, at most, a down payment on what will be necessary to build adequate capacity to accommodate the needs of these deserving children.

For these reasons, the CRBC urges a favorable committee report on HB 406 – Children in Out-of-Home Placements – Placement in Medical Facilities.