

**Senate Bill 994 - Public Health - Mental Health Advance Directives  
Awareness and Statewide Database  
Before the Senate Finance Committee  
March 22, 2022  
TESTIMONY IN SUPPORT**

Disability Rights Maryland (DRM) is Maryland's designated Protection & Advocacy agency, and is federally mandated to defend and advance the civil rights of individuals with disabilities. In particular, DRM supports the rights of individuals with disabilities to receive appropriate supports and services to live safe and meaningful lives in their communities.

Disability Rights Maryland supports SB 994 because it would enhance the ability of individuals with psychiatric disabilities to exercise autonomy over their mental health care during a behavioral health crisis. While advance directives are legal documents that have been recognized in Maryland for many years, mental health advance directives are not accessible in a database in the same way as are advanced directives for somatic care. SB 994 would create a centralized database, thereby establishing parity between physical health and mental health regarding an individual's ability to have their treatment choices honored.

Autonomy over treatment choices is particularly important for individuals with mental health disabilities. Unfortunately, many of these individuals have trauma histories, and for many, their trauma is directly related to past mental health treatment. A mental health advance directive provides the opportunity for an individual to describe past experiences or encounters, such as sexual assault, or restraints, that can facilitate a trauma-informed response to a crisis. By raising awareness and creating a centralized database, SB 994 will foster a system in which individuals have the confidence to assert their wishes regarding their mental health care and the assurance that those directives will be honored. This will encourage them to seek the help they need, as opposed to avoiding it, out of fear of being retraumatized and experiencing adverse treatment.

In addition to incentivizing those with trauma histories to seek treatment, mental health advance directives enable individuals to express their treatment preferences regarding medications clearly. This control over medication preferences is critical if an individual has experienced an adverse reaction to a medication in the past, or could have one due to a medical condition. The ability to identify a health care proxy, support person, and preferred mental health professionals, programs, and facilities in an advance directive further empowers an individual with a psychiatric disability and a trauma history. A centralized database will make this information accessible, while also keeping it confidential.

The COVID-19 pandemic has increased the need for mental health treatment and crisis services in Maryland. A key component of SB 994 mandates the Maryland Department of Health to develop and implement a public awareness campaign targeting recipients of mental health services and their families, providers, first responders, and a wide range of community groups, including but not limited to the police, local behavioral health authorities, facilities, and religious organizations. Raising awareness of advance mental health directives throughout communities will increase the ability of Marylanders with mental health disabilities to live safe and productive lives in their communities.

For these reasons, **Disability Rights Maryland urges a favorable outcome to Senate Bill 994.** For more information, please contact Karen Foxman, Esq., at (410) 727-6352 ext. 2477 or [KarenF@DisabilityRightsMD.org](mailto:KarenF@DisabilityRightsMD.org).