



SB 994 – Public Health – Mental Health Advance Directives – Awareness and Statewide Database

Committee: Finance

Date: March 22, 2022

POSITION: Support

The Maryland Coalition of Families: Maryland Coalition of Families (MCF) helps families who care for a loved one with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a child, youth or adult with a mental health, substance use or gambling issue.

MCF enthusiastically supports SB 994.

For people with Serious Mental Illness, a psychiatric advance directive is an empowering tool that allows them to state their wishes in the event that they be deemed incapable of making sound decisions themselves. Psychiatric advance directives can prevent involuntary commitment, for an individual can feel safe knowing that they will not be subject to forced treatments contrary to their will should they be hospitalized, and therefore be more willing to consent to treatment voluntarily.

Families too benefit from having a loved one complete a psychiatric advance directive, for, when a person with serious mental illness is well, they can name a family member as a health care agent, thereby allowing a family member to participate in their loved one's treatment. So often, because of HIPAA requirements, family members are kept in the dark as to what's happening with their loved one in a psychiatric crisis, much less be able to help make good decisions as to the person's care. At MCF, we advise parents of young adults to encourage their child to complete an advance directive that names their parent as their health care agent, so that the parent can be kept informed and participate in their child's care.

Unfortunately, many people don't know about psychiatric advance directives, or how to complete one in Maryland. SB 994 would address this issue, by requiring the Department of Health to develop and implement a public awareness campaign.

An impediment to the benefit of having a psychiatric advance directive is that frequently, an individual who has completed one doesn't have it filed with appropriate treating professionals or hospitals where they might be admitted. A psychiatric advance directive does little good if

no one knows about it. People with serious mental illness can be advised to disseminate their psychiatric advance directive to loved ones and to hospitals where they've been a patient before, but often do not take this step. Moreover, even if they do, they may end up in a hospital where they have not been a patient before, and the treating professionals may not know who to contact to inquire about the existence of a psychiatric advance directive. HB 994 addresses this problem by requiring that a statewide database be maintained where psychiatric advance directives are filed. A treating professional need simply search the database to find the individual's advance directive and the name of any health care agent that had been appointed.

HB 994 would go a long way to improving the lives of people with serious mental illness. Therefore we urge a favorable report.

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