



House Health & Government Operations Committee

March 3, 2022

House Bill 786

Health Records and Reporting of Overdoses - Limitations on Use in Criminal Investigation or Prosecution

Support

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2021 - 2023

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Josh Grollmes, MS
Serenity Health
JGrollmes@serenityllc.net

Secretary

Melissa Vail, LCPC
Sinai Hospital Addictions
Recovery Program (SHARP)
MAVail@lifebridgehealth.org

Treasurer

Babak Imanoel, D.O.
Northern Parkway Treatment
Services, BH Health Services
BabakImanoel@gmail.com

National AATOD Liaison

Kenneth Stoller, MD
Johns Hopkins Hospital
The Broadway Center
KStolle@jhmi.edu

Immediate Past President

Vickie Walters, LCSW-C
IBR/REACH Health Services
VWalters@ibrinc.org



c/o IBR/REACH Health Services

2104 Maryland Avenue
Baltimore, MD 21218



(410) 752-6080



www.matod.org

The Maryland Association for the Treatment of Opioid Dependence (MATOD) urges a favorable opinion on SB 568. MATOD represents over 65 healthcare organizations across Maryland that provide and promote high-quality, effective medication assisted treatment for opioid addiction. MATOD programs serve over 35,000 Marylanders enrolled in opioid treatment programs receiving methadone and buprenorphine, in conjunction with counseling and other medical services.

When the General Assembly passed legislation in 2018 authorizing the reporting by emergency medical service providers and law enforcement officers who treat individuals experiencing a suspected or actual overdose, there was language in the law explicitly stating that the data cannot be used for criminal investigation. The recovery community and other advocates supported the bill, understanding the intent was to use the data for epidemiological analysis and guide efforts for education, outreach, and naloxone distribution. We believe the legislative intent at the time was clear – the information would not be used for criminal investigation.

Unfortunately, much like what currently happens with Maryland's Good Samaritan law that is meant to encourage people to call for help when someone is overdosing and not feel at risk of arrest, law enforcement has found a loophole and is using the reporting of this data as a way to engage in criminal investigations. This loophole must be closed.

The mistrust people who use drugs have of police is real. The more that arrest and prosecution is seen as a higher priority than saving lives, the more people will not call for help when someone is experiencing an emergency. More people will die.

MATOD urges a favorable report on HB 786 to close this loophole.

MATOD members include community and hospital based Opioid Treatment Programs, local Health Departments, local Addiction and Behavioral Health Authorities and Maryland organizations that support evidence-based Medication Assisted Treatment. MATOD members include thousands of highly trained and dedicated addiction counselors, clinical social workers, physicians, nurse practitioners, physician assistants, nurses, peer recovery specialists and dedicated staff who work every day to save and transform lives.