

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Health and Government Operations Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1017
Frederick County – Mental Health Law – Assisted Outpatient
Treatment Program
DATE: March 2, 2022
(3/9)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1017. This legislation would establish a pilot “Assisted Outpatient Treatment Pilot Program” in Frederick County. It would permit certain individuals to petition the court to request an order for the respondent to receive assisted outpatient mental health treatment.

These bills establish the Assisted Outpatient Treatment Pilot Program in Frederick County. The bills set requirements for a pilot program including requirements regarding eligibility, hearings, and treatment which seems very well intended, but needs procedural work to be logistically implemented, at a minimum. The times outlined in this bill seem unrealistic and there are due process considerations. The entire process hinges on a report from a psychiatrist who will be required to appear in court on short notice and it is not indicated how the psychiatrist will be compensated. Also, the respondent is entitled to counsel at the hearing which is not outlined in the bill how counsel will be assigned or retained. In addition, there is no mechanism for enforcement of any court-ordered treatment should a respondent fail to comply with the treatment regimen.

Further, the bill, at Health - General Article § 10-6A-05(4), presents a vague standard in requiring courts to determine whether a respondent “is likely to deteriorate to the extent that the respondent will come to present a danger to the life or safety of the respondent or others[.]” By contrast, existing law on involuntary admissions asks courts to determine whether a respondent “presents a danger to the life or safety of the [respondent] or of others.” Health - General Article § 10-623(b). This bill needs more clarity to explain to courts how to determine if someone is “likely to deteriorate” in the future such that they will eventually present a danger the life or safety of themselves or others.

The Judiciary did want to express that even though the bill, as written, may embody procedural and logistical challenges, the overarching purpose and intention are favorable.

cc. Hon. Karen Young
Judicial Council
Legislative Committee
Kelley O'Connor