SB223_AFSCME3_FAV.pdf Uploaded by: Denise Gilmore

Position: FAV



SB 223 - State Government – State Facilities Changes and Closures – Procedures POSITION: FAVORABLE

AFSCME Council 3 supports SB 223. This legislation creates a uniform process for state agencies to follow when they are changing or closing a facility where 25 or more state employees are regularly assigned.

SB 223 requires that state facilities with 25 or more employees do the following **before a change in the facility:**

 Provide 90 days' notice before a public hearing to discuss the change, including, the reasons for proposed change, plan for changing operations, budgetary impact, impact on state employees, and the plan for the facility.

SB 223 requires that state facilities with 25 or more employees do the following **before closing the facility**:

 Provide 180 days' notice before a public hearing to discuss the change, including, the reasons for proposed closure, plan for discontinuing operations, budgetary impact, plan for state employees affected by closure, and the plan for the facility.

State facilities are often placed in communities for specific purposes. Either because a need exists there for the services provided in the facility, or to be a jobs generator in a region that could use more jobs. Whether it be a Correctional Facility, State Hospital, Juvenile Facility, Social Services office, or a Motor Vehicle Administration branch, many stakeholders are impacted when decisions are made to close or change a state facility. The employees are impacted, the Marylanders relying on services in these facilities are impacted, and the communities that surround these facilities are impacted.

Recently, three state separate agencies pursued facility closures and they all approached this process in different ways and often by approaching legislators, the exclusive bargaining representatives, and community stakeholders after the closures were already announced. In the fall of 2021, the Department of Juvenile Services (DJS) and the Department of Health (MDH) announced major facility realignment plans in a press release. DJS announced the closure of three juvenile facilities over five years. MDH announced the closures of five state health facilities and one drug rehabilitation unit over 20 years. The Department of Public Safety and Correctional Services (DPSCS) announced the closure of two pre-release facilities in the Governor's budget release by removing funding from the facilities.

Every AFSCME Maryland State and University contract guarantees a right to union representation. An employee has the right to a union representative if requested by the employee. 800.492.1996 For the DJS and MDH closures, the staff and the clientele residing in these facilities received no advanced notice before it was made public in the press and of the three announced closures, only DJS had a plan in place for employees before the closure was made official. In DPSCS and MDH, staff were left in limbo for many months – which greatly impacted staff recruitment and retention at a time when staffing levels are already at all-time lows.

SB 223 is a good government bill that provides more transparency and opportunity for stakeholders to provide input when decisions about changing or closing state facilities are made. It also ensures that there is a plan for the employees and the Marylanders who require services at these facilities before the closure or change happens. Finally, SB 223 ensures that there is also a plan for the facility itself once it is closed.

For all these reasons, we urge the committee to provide a favorable report on SB 223.

SB 223 - State Government – State Facilities Chang

Uploaded by: Donna Edwards Position: FAV



MARYLAND STATE & D.C. AFL-CIO

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President Donna S. Edwards Secretary-Treasurer Gerald W. Jackson

SB 223 - State Government – State Facilities Changes and Closures – Procedures Senate Education, Energy, and the Environment Committee February 7, 2023

SUPPORT

Donna S. Edwards President Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB 223 - State Government – State Facilities Changes and Closures – Procedures. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

SB 223 sets a standard process for the closure of state facilities requiring notice to certified bargaining representatives and public hearings. This applies to any work locations where 25 or more state employees are regularly assigned to work. If a state facility is being closed the department must hold a hearing and notify the General Assembly members that represent the district and any labor organizations that represent the workers employed at the facility. It also requires that the department submit a report to the General Assembly justifying the closure along with its budgetary impact and plans for mitigating the impacts on state employees.

SB 223 aims to repair state government by ending some of the worst practices of the last decade. Maryland has thousands of vacancies and needs to work quickly to fill these positions. The Department of Legislative Services' most recent report on the issue found at least 9,500 vacant positions in higher education, legislative, executive, and judicial branches. Even when it was clear that state vacancies had reached a crisis level, past administrations still kept putting forward plans to close important state facilities. As stated in the Fiscal and Policy note, SB 223 will not require additional state or local funding to implement its straightforward requirements. SB 223 does not stop the closure of state facilities but it does require that impacted workers, through their certified representatives, lawmakers, and the community are all given proper notice and justification for these decisions.

We encourage the committee to issue a favorable report for SB 223

SB223_Stepney_FAV.pdf Uploaded by: Eugenia Stepney

Position: FAV

SB 223 - State Government – State Facilities Changes and Closures – Procedures Position: Support

My name is Eugenia Stepney, I reside in Calvert County, but I use to work at the **Southern Maryland Pre-Release Unit** located at 14320 Oaks Road Charlotte Hall, Maryland in Charles County. SMPRU had twenty-seven Correctional Officers (3 vacancies), three Dietary Officers (1 vacancy), one Maintenance Officer, two Case Managers (2 vacancies), one Secretary, one Facility Administrator, and one Contract Nurse. The facility housed 180 inmates, but they were at one time looking to increase the capacity to 206. The facility had numerous things to occupy the inmates when they are not working; an outdoor basketball court, softball field, volleyball area, weight area, 1/3 mile walking/ jogging area, and picnic tables for relaxing. The facility also had an indoor gym, chapel, visiting room, recreation room (pool tables, ping-pong table, 2 TVs) and library for inmate use. A part time teacher used to come in 2 to 3 days a week helping inmates with reading, math, etc. for GED certification, but she was lost due to budget cuts.

The State of Maryland Department of Corrections established the facility in 1962 to help the communities of Calvert, Charles, Prince George's (Upper Marlboro), and St. Mary's Counties, by allowing the inmates the opportunity to rehabilitate themselves by giving back to the communities and going on to become productive tax-paying citizens. SMPRU was the **only** state pre-release facility located in the Southern Maryland region. It allowed some of the inmates to work in the communities that they came from, and to be close to their relatives for visitations.

Many of the inmates possessed a wide range of skills such as Mechanic, Electrician, Carpenter, Roofer, Painter, Plummer, Heavy equipment operator, etc. that can be used wherever they work. We had a structured process that we utilize for processing inmates back into the work environment. Stage #1: The inmate must obtain a facility job (Maintenance, Dietary, Sanitation, Clothing Room Clerk, Library Clerk, Barber, Painter, Electrician, Laundry Clerk, etc.) working under the supervision of staff. After 30 to 90 days Stage #2: The inmate would apply for Outside Detail clearance (Road Crew) with Correctional Officer supervision. Stage # 3: Extended Outside Detail clearance is without a Correctional Officer. The facility provided all organizations that operate without a Correctional Officer on site Standing Operating Procedures training (Rules and Guidelines for Inmate Work Details supervised by Non-Correction personnel) for staff/ volunteers annually. Stage # 4: Work Release (regular employment). If the inmate had problems preforming his tasks, he would not progress to the next stage.

The facility had five Road Crews, one for each county, except for PG County, which has two crews. Each of the crews work with 4 to 6 inmates 5 days a week under the direction of the **State Highway Administration**, with an officer on post, picking up many types of litter along the main highways, medians, and side roads where allowed. The inmates helped to keep the roads clean, beautifying our counties and our communities. County residents, and out of town guest like to see cleanliness as they visit the area attractions like Solomon Island, Chesapeake Beach,

casinos, parks, fairs, carnivals, etc. Depending on the inmate's offense, he might acquire a job with the site after his release.

The inmates worked with the **Charles County Public Works,** <u>facility trained staff</u>, 5 days a week, and sometimes on the weekend when requested. They had detail inmates that work at their shop, or picking up trash, and large items put out (mattress, appliances, etc.), and dead animals on the roadside (not accessible by road crews), and they have work release inmates. The facility usually had three work release crews, and three detail crews with 2 to 4 inmates per crew. After release, eligible inmates could seek employment.

The 4 to 6 inmates went to the **Maryland Department of Natural Resources Fisheries Service Hatcheries Division at the Piney Point Aquaculture Center in St. Mary's County**, with an officer on post, 3 to 6 days a week, depending on the season, to help with the Oyster restoration during late April to November. This involved grounds maintenance, cleaning the large tanks, rebuilding wooden pallets, cutting shell bag material, washing and bagging loose oyster shells, wash and bag aged oyster shells for on-site and associated projects statewide, place filled shell bags on pallets, unload shell bags from culture tanks with attached oyster spat, and lastly in the fall load shell bags in planting boats for placement in the bay. The site supervisor provided instructions, training for tractor, forklift, and other machinery use.

The facility had been involved with inmate labor **planting thousands of trees**, <u>with an officer on</u> <u>post</u>, for the state in several areas around the region.

The facility had inmates working with the Farming 4 Hunger, which is a pilot program, operated by facility-trained staff/volunteers, usually 5 to 6 days a week, but sometimes 7 days. The state allowed it to operate out of the normal inmate parameters, but it works for many of the inmates. This program has used anywhere from 6 to 16 inmates depending on the time of year. The inmates plant and harvest various vegetables, conduct grounds maintenance, feed animals as required (chickens, pigs & cows) gather eggs, run the very large green house with hydroponic planting system, and they make crafts for various holidays. During down time the site offers various classes (Work Force Development) and skills, taught by professionals, free to the inmates: Dealing with difficult people, anger management, reading, writing, math, computer etiquette, CDL license, carpentry, equipment operation, cooking, etc.). The site can take inmates offsite with the facility's permission to do numerous food drop offs for disadvantaged families. The inmates talk to area school age children during field trips to the location (adolescence and teenagers), with supervision, about jail. The inmates tell the kids what went wrong in their lives, and what caused them to end up incarcerated. This gives our children a first-hand look at prison, and the things that can cause you to end up here. Parents, guardians, and volunteers must sign release forms due to the allowed interactions with the inmates. February 22, 2016, Governor Larry Hogan during his tour with DPSCS officials and staff gave inmate Rico Nelson a grant that lasted for 3 years, making him the first paid employee, once he has completed the release process. On April 4, 2018, Lt. Governor Boyd Rutherford

also conducted a tour of the Farm. When the inmates leave incarceration, the site has helped inmates with job placement, finance, clothing, housing, and put them in touch with mentors as needed.

The **Cheltenham Veteran Cemetery**, <u>facility trained staff</u>, utilized **honorably discharged veteran** inmates from the facility to do various duties: digging of graves, assist with interment, stone placement, grounds keeping, sanitation, etc. The site used 2 to 5 inmates. The site aide's eligible inmates with job placement after release.

The **Charles County Fair Inc.** utilizes the inmates for grounds clean up during weekend events at the fair, <u>with two officers on post</u>. This site uses 10 to 12 inmates.

The facility also had **Work Release** inmates that worked regular jobs at area establishments. (Walls Bakery, McDonald's, St. Mary's Landing, Tommy Trucks, Roofing by George, Southern Wheel & Hubcap, Foxy Fish, Dave's Auto Body, CMB Electric, etc.). If the inmate already had a skill, we had long-standing employers that will hire 1 to 12 inmates, and may keep them after release. We also had employers that were willing to train the inmate sepecially in the fast-food industry. Most of the time they also would keep the inmate after release.

The Southern Maryland Pre-Release Unit had been open for about 59 years, having its inmates working in the community. We made numerous unannounced checks on the sites to ensure compliance and safety by the inmates, correctional officers, and trained site staff/volunteers. I know in 2017, SMPRU generated over \$155,000.00 just for Outside Details plus the work release. The income fluctuates due to the weather, our staffing, site staffing, etc. Since I was working on other things, I am not sure about what went on the other year. Due to COVID-19, everything shut down not allowing the inmates to work. We continually get calls from our private sector employers, detail sites, and new interested potential employers inquiring about when they can get the inmates. Many of the sites and employers had become accustomed to having inmates working because they work hard, and they can depend on them coming to work.

The staff was dedicated to our jobs, and communities. The officers had one to twenty-six years of state service, with an average of six years employment. Most of the staff lived in the surrounding counties. The officers had an increase of travel time from 1 to 2 hours each way to work, depending on traffic, in Jessup. Since the Unit was completely depopulated June 30, 2021, it has put a burden on inmate relatives who wish to see them, but have no way, or cannot travel the distance of some of the other facilities. The inmates have no state Southern Maryland facility for Pre-release inmates to transfer to for preparedness before they go home back into society. The lack of preparedness can increase criminogenic behavior, and recidivism, which can produce a surge in violence. SMPRU had always had the most work release jobs in the pre-release system. Some of the original Detail sites were given to another Department of Correction facility in Jessup, which is too far to accommodate all of the Southern Maryland area sites, and none of the work release sites serviced by SMPRU. Some of the sites were press

worthy, so they were kept in lieu of their 1-to-2-hour drive from the present facility. The trash along the roadsides has increased. If the communities had been given the opportunity to vote on the closure of the facility, I'm sure SMPRU would still be open continuing the work in the communities, keep the employers happy, the inmates working, and the inmate's relatives somewhat content.

Sincerely,

Eugenia Stepney

Cell phone: 410-231-9847

SB0223-773628-01.pdf Uploaded by: Malcolm Augustine Position: FAV



SB0223/773628/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

> 06 FEB 23 13:52:21

BY: Senator Augustine

(To be offered in the Education, Energy, and the Environment Committee)

AMENDMENT TO SENATE BILL 223 (First Reading File Bill)

On page 2, in line 24, strike "Before" and substitute "SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEFORE".

On page 3, in line 17, strike "**BEFORE**" and substitute "<u>SUBJECT TO</u> <u>PARAGRAPH (3) OF THIS SUBSECTION, BEFORE</u>".

On page 3 after line 16, and on page 4 after line 24, in each instance, insert:

"(3) IF A GOVERNMENT AGENCY OR JUDICIAL BODY DETERMINES THAT THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR EMPLOYEES OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE, UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.".

On page 4, in line 23, strike "AND"; and in line 24, after "(V)" insert "<u>ANY PLANS</u> FOR ASSISTING THE PATIENTS, INMATES, OR RESIDENTS AFFECTED BY THE CLOSURE; AND

<u>(VI)</u>".

Maryland Dry Needling Written Testimony.pdf Uploaded by: Sammy Dickstein

Position: FAV

Dear Chair, Vice-Chair, and Members of the Committee:

I am writing in Support of SB 232/HB 172- LICENSED ATHLETIC TRAINERS- DRY NEEDLING APPROVAL.

Athletic Training encompasses the prevention, diagnosis and intervention of emergency, acute and chronic medical conditions involving impairment, functional limitations, and disabilities.

Athletic Trainers are licensed and board certified health care professionals with, at minimum, a bachelor's degree in athletic training from an accredited institution. More than 70% of the profession has a master's degree or higher level of education, and the profession now requires a master's level degree for entry.

Dry Needling is a modality used when hands and fingers are unable to palpate all of a soft tissue, especially deeper layers of muscles.

Maryland COMAR 10.38.12.02 defines Dry Needling as an intramuscular manual therapy that involves the insertion of one or more solid needles, a mechanical device, into the muscle and related tissues to affect change in muscle and related tissues; Deactivation of the trigger points and related tissue can bring immediate relief of symptoms, which cannot be obtained by any other treatment.

Maryland COMAR already has language differentiating between Acupuncture and Dry Needling.

Qualified athletic trainers in 28 other states and the District of Columbia are allowed to use this skill on their athletes. The skill of Dry Needling is one that is shared with other medical professionals such as physical therapists, chiropractors, and physicians. With appropriate training, athletic trainers are very well prepared to administer dry needling treatments. Most courses last over a four-day span which involve over 25 hours of coursework and hands on practice which included other health professionals like physical therapists and chiropractors.

Currently, athletic trainers are unable to use dry needling as a course of treatment for their patients because it is not included in the MD Practice Act. As a result, many Athletic Trainers, including in the university settings, are hindered in their ability to provide a high standard of care to their current student-athletes. This places Maryland athletes at a disadvantage because they cannot otherwise receive dry needling in a manner that easily accommodates their already demanding class and practice schedules. Passing this bill would allow certain Athletic Trainers the ability to administer dry needling to their patients, which many may have done in another state before coming to Maryland.

Additionally, Athletic Trainers who work for national governing bodies and US Olympic teams are guided by their home state practice act. So limiting dry needling from Athletic Trainers licensed in Maryland will also have a potential international impact and could limit local Athletic Trainers from being selected as Health Care Providers supporting these athletes.

For these reasons, I respectfully request a favorable vote on both HB 172 and SB 232.

Sincerely,

Samuel Dickstein.

SB223_Support As Amended_Maryland DD Coalition.pdf Uploaded by: Ande Kolp

Position: FWA



SB223- State Government- State Facilities and Closures- Procedures Senate Education, Energy, and the Environment Committee February 7, 2023 Position: Support As Amended

The Maryland Developmental Disabilities Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

When a facility is owned leased or operated by the state for the purpose of providing health, juvenile, or correctional services to people, current law requires a principal department of the Executive Branch to provide notice and hold a public hearing prior to enacting a material change in the use, purpose, or function of a facility or a facility closure however specific timelines, notices and reports for these actions are not codified in state law.

We believe transparency in state government is important as is providing information, time, and the opportunity for people to advocate. Over time, in Maryland, state institutions for people with intellectual and developmental disabilities have closed with success and transparency, a communicated timeline, and planning, and we know how important it is for these elements of transition to be in place.

We have worked with the bill sponsors to create amendments below, that we feel are needed to ensure there are appropriate provisions of law to account for emergency changes or closures, ensure plans will be developed for people who receive services within the facilities prior to material changes or closures, and to clarify that closures of certain facilities need to be described, but may not need justification or defending; people, regardless of ability or disability, should have the opportunity live in communities they choose with supports they need. The thoughtful and planful deinstitutionalization of people with IDD is important to all members of the DD Coalition.

We support the following amendments to SB 223: AMENDMENT#1 (page 4)

(III) SUBMIT A REPORT JUSTIFYING- **EXPLAINING** THE CLOSURE TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE:

AMENDMENT#2

Add language in 8-306(c), page 2, lines 24-26:

(c)(1) **SUBJECT TO THE EXECPTION IN (c)(3),** before a principal department changes the use, purpose, or function of a State facility, the principal department shall **[hold a public hearing on the proposed change]:**

Insert new paragraph (c)(3), page 3, line 17

(c)(3) IF A GOVERNMENTAL AGENCY OR JUDICIAL BODY DETERMINES THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR STAFF OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS SUBSECTION, provided that any modifications made by the principal department shall provide the notice, hearing, and opportunity for comment mandated by





1500 Union Avenue Suite 2000 Baltimore, MD 21211



8835 Columbia 100 Pky Suite P Columbia, MD 21044



Maryland Developmental Disabilities Council

217 E Redwood Street Suite 1300 Baltimore, MD 21202



7000 Tudsbury Road Windsor Mill, MD 21244 this subsection at the earliest possible date, unless a governmental agency or judicial body orders otherwise.

Add language in 8-306(D)(1), page 3, lines 17-18

(D)(1) **SUBJECT TO THE EXCEPTION IN (D)(3)**, BEFORE A PRINCIPAL DEPARTMENT CLOSES A STATE FACILITY, THE PRINCIPAL DEPARTMENT SHALL:

Insert a new paragraph (3) at the end of 8-306(D), page 4 line 25:

(D)(3) IF A GOVERNMENTAL AGENCY OR JUDICIAL BODY DETERMINES THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR STAFF OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMES REQUIRED BY THIS SUBSECTION, provided that any modifications made by the principal department shall provide the notice, hearing, report, and opportunity for comment mandated by this subsection at the earliest possible date, unless a governmental agency or judicial body orders otherwise.

AMENDMENT #3

Add language to 8-306(D)(2), page 4, lines 22-24 (2)(IV) ANY PLANS FOR ASSISTING STATE EMPLOYEES AFFECTED BY THE CLOSURE IN FINDING OTHER EMPLOYMENT; **AND**;

(V) AND PLANS FOR ASSISTING THE PATIENTS, INMATES, OR RESIDENTS AFFECTED BY THE CLOSURE; AND

In addition, the report required for closure, under this bill, shall contain "any plans for the state facility after the closure" (p. 4, line 24). We respectfully ask that these plans include how the state intends to maximize on the proceeds from any sale of property and buildings, ensuring proceeds are disbursed to the Community Services Trust Fund to be used for community-based services in accordance with Article- Health-General 7-205 and 10-208.

We appreciate the opportunity to provide this testimony and remain available for any questions or comments.

Contact: Ande Kolp, The Arc Maryland, akolp@thearcmd.org

SB0223 state facility closures.pdf Uploaded by: Dan Martin Position: FWA



Heaver Plaza 1301 York Road, #505 Lutherville, MD 21093 phone 443.901.1550 fax 443.901.0038 www.mhamd.org

Senate Bill 223 State Government – State Facilities Changes and Closures – Procedures Education, Energy, and the Environment Committee February 7, 2023 Position: SUPPORT WITH AMENDMENT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 223 with the addition of a friendly amendment.

SB 223 establishes notice, public input, and reporting requirements related to the closure or repurposing of state facilities.

The need for the procedural safeguards outlined in SB 223 became urgently apparent in May 2022, when the Board of Public Works considered a Maryland Department of Health (MDH) proposal to transfer the Spring Grove Hospital Center to the University of Maryland, Baltimore County. MDH offered this proposal without any open process or discussion about the plans for Spring Grove, the second oldest state psychiatric facility in the nation.

While we did not oppose the transfer, we did voice several concerns about this lack of process. Among these concerns, there was no mention of the Spring Grove transfer in the <u>MDH Facilities Master Plan</u> (Master Plan); there was no public plan outlining a strategy for ensuring adequate and modern inpatient capacity upon the closure of Spring Grove; the proposed transfer was requested prior to completion of a forthcoming bed capacity and needs assessment outlined in the Master Plan; and there was no plan for reinvesting any moneys realized from the transfer into community behavioral health services, as has been done after prior facility closures consistent with Health-General §10-208.

The requirements of SB 223 will provide for a more public and comprehensive process moving forward. However, we do request one amendment. Prior to closing a facility, the bill requires the principal department to submit a report justifying the closure (pg. 4, line 1). While the report is required to include a plan for assisting state employees affected by the closure (pg. 4, line 22), it does not require a plan for assisting individuals residing and/or receiving services at the facility. Accordingly, we request the following amendment:

On page 4, line 22, add "(III) ANY PLANS FOR ASSISTING AFFECTED INDIVIDUALS RESIDING AND/OR RECEIVING SERVICES AT THE FACILITY"

SB 223 will ensure future state hospital closures are preceded by a proactive process with the community to identify a plan for the property and the patients residing there. For these reasons, MHAMD supports SB 223 and urges a favorable report.

For more information, please contact Dan Martin at (410) 978-8865