



SB 154 – Public Health – Mental Health Advance Directives – Awareness and Statewide Database

Committee: Senate Finance

Date: February 7, 2023

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 challenge.

MCF enthusiastically supports SB 154.

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 HIPPA 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 strongly encourage family members to encourage their loved one to complete an advance directive that names a family member as their health care agent.

Despite their many benefits, few people know about psychiatric advance directives. On Our Own of Maryland promotes their use to people who access OOO's support and services, as does the Mental Health Association of Maryland. As previously stated, at MCF we encourage family members to have their loved on complete a psychiatric advance directive. Nonetheless, their use has remained disappointingly low, and there has been little concerted effort in Maryland to educate the public about the existence of, benefits of, and procedures for creating a psychiatric

advance directive. SB 154 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. SB 154 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.

Therefore we urge an favorable report on SB 154.

Contact: Ann Geddes
Director of Public Policy
The Maryland Coalition of Families
8950 State Route 108, Suite 223
Columbia, Maryland 21045
Phone: 443-926-3396
ageddes@mdcoalition.org