

**House Bill 121 - Mental Health – Treatment Plans for Individuals in Facilities – Requirements**

Before the House Health and Government Operations

February 7, 2023

**TESTIMONY IN SUPPORT**

Disability Rights Maryland (DRM) is Maryland’s designated Protection & Advocacy agency, and is federally mandated to defend and advance the civil rights of individuals with disabilities. In particular, DRM supports the rights of individuals with disabilities to receive appropriate supports and services and to be protected from abuse, neglect and rights violations. DRM believes that individuals that are inpatient in psychiatric facilities should be provided appropriate supports and services, as well as all clinically recommended treatment, to permit them to move toward eventual discharge and allow them to live safe and meaningful lives in their communities. This is particularly true for the state hospitals. We believe HB 121 would be a positive step forward in achieving this goal.

DRM monitors the psychiatric hospitals, including the five state hospitals, and advocates for the rights of patients to receive the treatment they need. Frequently we encounter patients who are recommended for certain types of clinical interventions, such as individual counseling or substance abuse treatment, but are not receiving it because of long waiting lists or treatment not being available to them, delaying their discharge. For example, we have met patients at Perkins Hospital whose treatment teams have recommended they participate in substance abuse treatment as a condition of moving toward discharge. Substance abuse treatment at Perkins is extremely limited, but there are some groups available in the “minimum security” part of the hospital. Patients in medium or maximum security have no opportunity to participate in these groups, even when their clinicians believe that doing so is necessary to their treatment and movement toward discharge. The result is that these patients may spend years stuck in the hospital in a catch-22 situation. Similarly, we are aware that there is currently a list of individuals at Perkins waiting for individual therapy. Such therapy is often recommended and essential for working through trauma and address the issues that resulted in the hospitalization or are preventing movement toward discharge. Because of a lack of therapists, individuals often wait a very long time to be assigned to a therapist. HB 121 would require that patients’ treatment plans contain a long-range discharge goal and that treatment plans be reviewed periodically. Further if a patient, or a person authorized by the patient, requests review of the treatment plan, a process is outlined that would allow for meaningful review of that decision and the potential that an Administrative Law Judge to order the hospital to obtain needed treatment for the patient from providers outside the hospital. We are supportive of a process that gives a patient the ability to authorize or withdraw authorization for a parent, guardian, or other trusted individual to participate in their treatment planning as an advocate.

Disability Rights Maryland is particularly supportive of HB 121 because it would improve the quality of care provided in our inpatient psychiatric hospitals and psychiatric units of general hospitals.

Given the fact that we often see individuals with mental illness waiting excessively in detention centers for a state hospital bed, we believe this legislative change is needed. Ensuring access to needed care assists the individual to move toward successful discharge to the community. It also helps the state manage its inpatient resources, as inpatient psychiatric care in our state hospitals is extremely expensive. It is in our interest to ensure that patients are not hospitalized for any longer than is necessary. It is also the right thing to do for the individuals involved. **Disability Rights Maryland urges this committee to pass HB 121.** For more information, please contact Luciene Parsley, Esq., at (443) 692-2494 or at [LucieneP@DisabilityRightsMD.org](mailto:LucieneP@DisabilityRightsMD.org).