

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

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 121
Mental Health – Treatment Plans for Individuals in Facilities -
Requirements
DATE: January 18, 2023
(2/7)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 121, as drafted. This bill requires a treatment plan for an individual with mental disorders admitted to a mental health care facility to include a long-range discharge goal and an estimate of the probable length of inpatient stay needed before transfer to a less restrictive or more intensive treatment setting. The bill requires care facility staff, who directly work with and provide treatment to the individual, to review and reassess the plan of treatment to determine the individual's progress and any need for adjustment no less than once every 15 days for the first 2 months after admission and once every 60 days for the remainder of the inpatient stay.

Although the Judiciary does support the intent of the bill to require more extensive treatment planning for individuals with mental health disorders who are admitted to mental health care facilities, the Judiciary does oppose the bill's requirement in Health – General, § 10-706(i)(4) that circuit courts hear appeals and issue decisions within 30 days after an appeal is filed. The individual treatment plans that will be the subject of such appeals are likely to be very fact-intensive, and the 30-day deadline for circuit courts to hear the case and issue a decision is impractical. It is unclear if the Court would have available a transcript of the prior proceeding within that time period, as would be required, let alone have the ability to schedule the appeal, hold a hearing, and issue an appropriate opinion within 30 days.

cc. Hon. Lorig Charkoudian
Judicial Council
Legislative Committee
Kelley O'Connor