



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 22, 2023

HB 395

**State Government – State Facilities Changes and Closures – Procedures
Health and Government Operations Committee**

Good Afternoon Madam Chair and members of the Health and Government Operations Committee. Thank you for the opportunity to present HB 395 for consideration.

Summary

This bill will create a standardized process that will bring transparency when state agencies make decisions concerning proposed changes or proposed closures of state facilities. Over the last few years, employees, patients, incarcerated individuals, their families and communities have seen and felt the effect of decisions made by state agencies leaving them uncertain about the future. Most recent examples of swift decisions without key stakeholder input and transparency includes: Western Maryland Hospital Center in Hagerstown (2021), Deer’s Head Hospital Center in Salisbury (2021), and two pre-release facilities in St. Mary’s County and Queen Anne’s County (2022). Currently, processes vary from agency to agency, which leaves no room for clarity and/or little input in the decision-making process. The current law provides notice of a hearing to the member of the General Assembly whose district the facility is in and to the public. However, there are many gaps in our current law, which are as follows:

- No information on what the timeline is for when hearings can and would be held;
- No reporting mechanism or feedback loop after the hearing has taken place on next steps in the process;
- No justification to the General Assembly, advocates, stakeholders, the exclusive bargaining representatives, or the public on the reasoning or decision on why the change or closure is taking place; and
- No uniformity in how decisions are being made.

HB 395 will yield transparency and equitable engagement for all stakeholders impacted. The bill sponsor met with the Maryland Department of Health, Maryland Department of General Services and Maryland Department of Public Safety & Correctional Services ahead of the hearing to acquire feedback or concerns. All state agencies contacted expressed no concerns with the bill. In addition, the fiscal note articulates that the effects to the requirements of the bill will be absorbed within existing budgets and that there is no local or small business impacts.

Sponsor Amendments

In collaboration with the Maryland Developmental Disabilities Coalition and AFSCME, there are friendly amendments that the sponsor is accepting. The Maryland Developmental Disabilities Coalition asked for changes, which would include language that will make sure that the legislation would not impede the health, safety and welfare of patients, incarcerated individuals, residents, and employees. This language

has been incorporated into an amendment. In addition, the Maryland Developmental Disabilities Coalition also request the change of a word on page 4, line 1 to replace the word justifying with explaining. Overall, we worked everything out and are moving forward with the proposed sponsor amendments.

Purpose

This bill will create a standardized process that will allow workers at these facilities, patients and their families, incarcerated individuals, and the surrounding community to provide input when these decisions are made. This bill does not determine if a state facility will close or remain open. The exclusive focus is on creating a uniform process and outlining what the process would be. As such, the bill will do the following:

- Establishes specified notice, public hearing, and reporting requirements when a principal department of the Executive Branch proposes a change or a closure;
- Provides a timeline for advocates and all stakeholders to provide input on the outcomes and impacts of any changes or closures to state facilities;
- Requires a clear and decent transition plan for patients and their families, incarcerated individuals, employees, and other fiscal considerations;
- Gives adequate notification to the exclusive bargaining representative;
- Most importantly, it brings transparency within this process while giving the principal department of the Executive Branch flexibility.

Key timelines for proposed changes and proposed closures are outlined below in exhibit A and B, respectively.

Exhibit A. Process for changes of state facilities

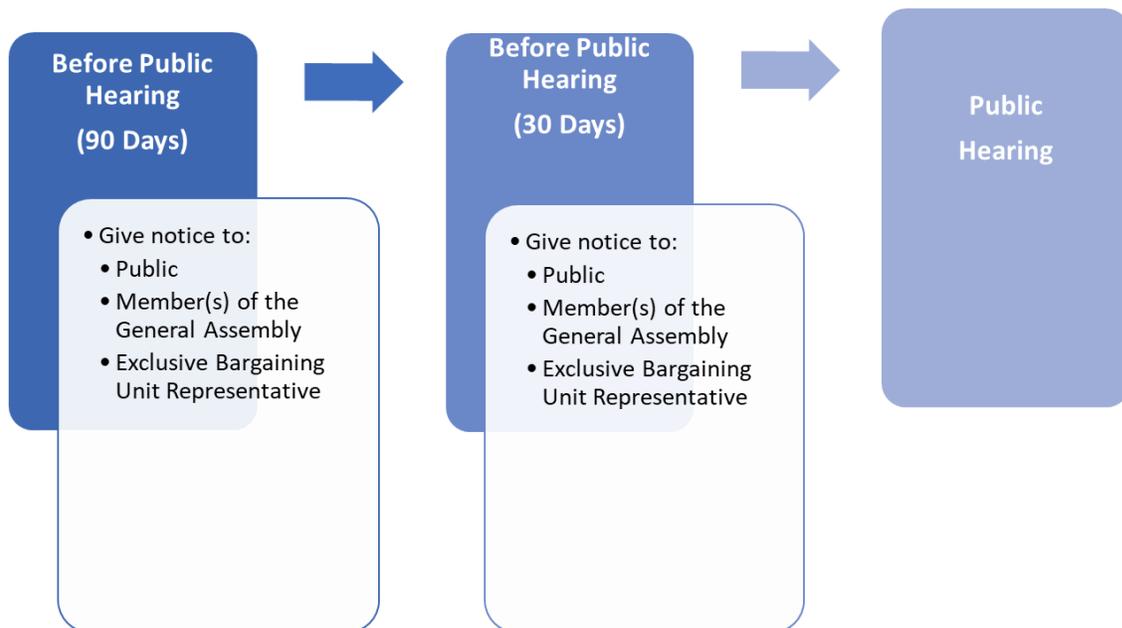
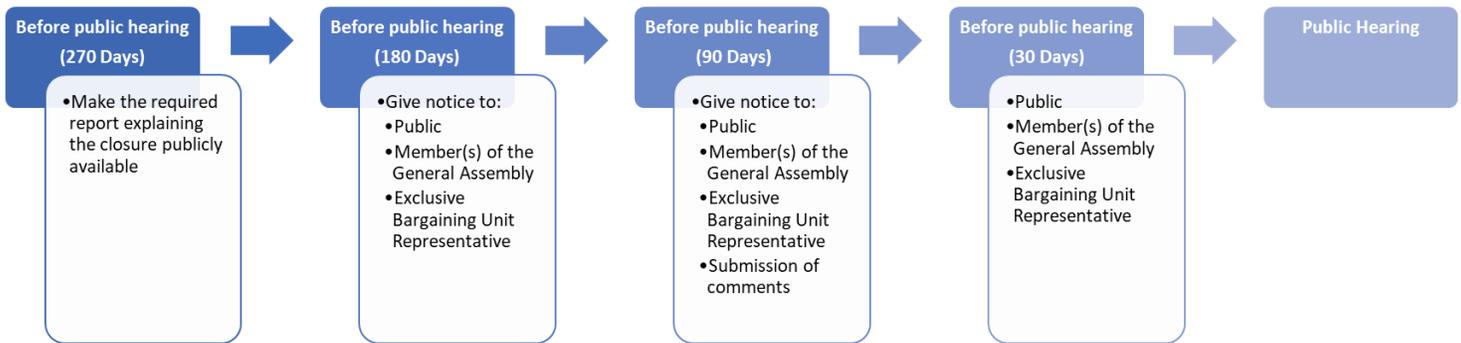


Exhibit B. Process for closures of state facilities



Given the growing demand for high quality government services, specifically in mental and behavioral health, this bill creates the uniformity, transparency and the opportunity to inform the decision-making process for all key stakeholders. This bill will yield the transparency and standardization across all Departments of the Executive Branch. Transparency and uniformity is needed that will restore and maintain trust among all stakeholders impacted by these decisions.

I respectfully request a **FAVORABLE** report with the sponsor amendments, which will ensure the alignment of the cross-filed bills.

Thank you for your consideration,

Delegate Jennifer White