



March 5, 2024

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Favorable with Amendments – Senate Bill 1085: Corrections - Segregated Housing – Limitations

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS/WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

While we commend the proponents of Senate Bill 1085: Corrections - Segregated Housing – Limitations (SB 1085) for their efforts and appreciate the incorporation of some of our previous suggestions from years past, MPS/WPS are compelled to highlight several critical concerns that necessitate immediate rectification:

1. Section 3(i) of the bill (page 2, lines 16 – 17), pertaining to the definition of "Restrictive housing," lacks necessary clarity regarding individuals voluntarily seeking segregation for protective reasons. It is imperative to preserve this vital distinction in the law to safeguard the rights and well-being of those individuals.
2. Page 7, lines 21 – 28, present troubling ambiguities regarding the placement of individuals in protective custody, potentially imposing undue limitations and complications. Ensuring the flexibility of correctional facilities to address the complex needs of inmates in protective custody, both voluntarily and involuntarily, is paramount for effective mental health care within these institutions. Correctional facilities need to be able to place people in protective custody indefinitely, voluntarily or involuntarily. While this may still be possible under the bill because it requires periodic review for continuation, other parts of the bill seem to create hard limits.



3. Of utmost concern is the requirement, as stipulated on page 10, lines 9 - 12, for daily mental health assessments of individuals in segregated housing. This mandate not only poses logistical challenges, particularly during weekends when mental health resources may be limited or nonexistent but also risks diverting crucial treatment providers from addressing urgent crises elsewhere. We strongly advocate for aligning this provision with established standards, such as those set forth by the National Commission on Correctional Health Care, to optimize mental health care delivery while maintaining operational efficiency.

In light of these pressing considerations, we implore this honorable committee to support SB 1085 with the proposed amendments, thereby ensuring the equitable and effective provision of mental health care services within correctional facilities across our state. Should further clarification or information be required, MPS/WPS stand ready to provide assistance and insights. Please do not hesitate to reach out to Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee