

**HEALTH AND GOVERNMENT OPERATIONS COMMITTEE****February 28, 2024****House Bill 804 – Certificate of Need - Psychiatric Health Care Facilities and Psychiatric  
and Mental Health Services - Exemption****Position: OPPOSE**

As Maryland's designated protection and advocacy agency, Disability Rights Maryland (DRM), is federally mandated to advance the civil rights of people with disabilities. DRM is part of a network of protection and advocacy agencies across the country that monitor psychiatric facilities for children and adults to guard against abuse, neglect, and rights violations. DRM works to ensure that individuals with mental health disabilities have the right to person-centered, trauma-informed, and culturally responsive care in the most integrated setting available.

HB804 will bypass the certificate of need process for entities seeking to establish or operate psychiatric health care facilities or services pursuant to Health-General § 19-122.1. The certificate of need process ensures that newly proposed health care services and facilities are needed and when the need has been determined, that the services are provided in a cost-effective and high-quality manner that is both geographically and financially accessible. Special attention is paid to underserved communities, including rural areas, which too often lack access to health care. HB804 would exempt psychiatric care facilities from this process and DRM opposes efforts to weaken protections, including the certificate of need process, which are in place to improve the health care system.

DRM acknowledges that additional behavioral health care options, particularly intensive community-based options, are greatly needed. However, permissions for these facilities to operate in Maryland should not come at the expense of careful vetting to protect residents against abuse, neglect, and rights violations. The certificate of need process includes several important considerations that protect Marylanders. For example, applicants are evaluated to determine if they are in compliance or if there are any previous records of violations. The impact that the proposal will have on health equity is also considered in the certificate of need process; DRM strongly supports these types of efforts to eliminate health disparities. Ensuring quality care should not come at the cost of expediency in these matters.

The certificate of need process also serves another important need in Maryland: it provides the public and monitoring agencies like DRM with advance notice about applications to open new psychiatric facilities, allowing investigation into the history, capacity, and expertise of applicants. For example, across the country, for-profit corporations that operate Residential Treatment Centers