

HB690 - Adult Protective Services - Senate.pdf

Uploaded by: Debra Davis

Position: FAV

SENATOR ARTHUR ELLIS
SENATE CHAIR

SENATOR MICHAEL A. JACKSON



DELEGATE DEBRA M. DAVIS
HOUSE CHAIR

DELEGATE KEVIN M. HARRIS
DELEGATE EDITH J. PATTERSON
DELEGATE C. T. WILSON

THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401
CHARLES COUNTY DELEGATION

March 20th, 2024

Chairman William C. Smith Jr.
Judicial Proceeding Committee

2 East
Miller Senate Office Building
Annapolis, MD 21401

HB690 - Adult Protective Services Review Board – Membership

Dear Chair Smith, Vice Chair Waldstreicher, and Committee members:

The Charles County Delegation requests a favorable report on HB0690 - Adult Protective Services Review Board – Membership. The Delegation unanimously supported the bill.

If there are any questions, do not hesitate to contact me at x3337.

With gratitude and service,

A handwritten signature in black ink, appearing to read 'Debra Davis', with a long horizontal flourish extending to the right.

Debra Davis
Delegate, District 28
Chair, Charles County Delegation

Stansbury Written Testimony HB 690 to Senate 03202

Uploaded by: Linda Stansbury

Position: FAV

WRITTEN TESTIMONY OF LINDA STANSBURY
CHAIR, CHARLES COUNTY ADULT PUBLIC GUARDIANSHIP REVIEW BOARD
BEFORE SENATE JUDICIAL PROCEEDINGS COMMITTEE
REGARDING HOUSE BILL 690
MARYLAND HOUSE OF DELEGATES
March 21, 2024

In 2012, the Charles County Adult Public Guardianship Review Board was established under Maryland Family Law Code Section 14-401 et seq. The purpose of this Board is to review case management of citizens who have been placed under guardianship of the person.

The membership of the Board is specified in Section 14-402, and it is that section that the Board wishes to address. When it was established, the Code delineated specific requirements for membership, such as a professional representative of a local department, a representative of a local commission on aging, and a lawyer, to name a few. The member description we are here to address is the requirement for a “psychiatrist”.

A little background for the record before we address our specific proposal. Currently there are 23 citizens who are under guardianship of the person in Charles County. Of those 23 citizens, 19 are adults under the age of 60 and four (4) are seniors. More than 50% of them receive some type of psychiatric care or take some form of medication for a mental health issue. In the case of senior citizens, that percentage increases to 75%. The citizens under guardianship by the Board have either no family, or no family involved in their care, and the Board works as their advocate for their health and care. These are some of our most vulnerable citizens.

In Charles County, and for the most part, all Southern Maryland, there are few psychiatrists to serve an ever-growing population of people who need psychiatric care. Those psychiatrists have an overwhelming patient base and getting an appointment can be daunting.

The Board has not had a psychiatrist as a member in over 5 years. This leaves the advocacy for the clients we oversee with only a nurse, and more recently a physician, and the others on the Board to determine if their mental health medications and therapies are appropriate.

The climate in health care has changed vastly in the decade since this Board was established. In a field where originally psychiatrists and physicians were the only prescribers of medications and the only persons able to oversee patient care, we now have physician's assistants and nurse practitioners who can oversee many of the functions of a physician, including medication management.

In 2014 as a result of House Bill 179, the physician requirement in the Code governing Adult Public Guardianship Review Boards was changed to read "one shall be a physician's assistant, nurse practitioner, or a physician who is not a psychiatrist" and "one shall be a psychiatrist". The bill addressed only the position of "physician" not that of the "psychiatrist" but that was almost 10 years ago, and a lot has changed in healthcare, including the increase of physician's assistants and nurse practitioners in the field of psychiatry.

In 2018, then Governor Hogan signed into law House Bill 541 and Senate Bill 549 giving physician's assistants and nurse practitioners prescription writing authority without the express delegation of a physician. This would give further weight to changing the Code to reflect new healthcare protocols. Given the current landscape in healthcare, it would seem reasonable to adjust the Code to reflect the current practices more accurately.

Thus, the Board is requesting that the statute membership requirement in Section 14-402(a)(2)(ii)(3) be changed to read:

3. In Charles County:

A. 1 shall be a physician's assistant, nurse practitioner, or physician who is not a psychiatrist; and

B. 1 shall be a psychiatrist or a physician's assistant or nurse practitioner in the field of psychiatry.

We understand that DHS has both submitted a competing bill, SB270, and that they have responded unfavorably to our bill. We have reviewed their objections, and while we agree that one statewide rule would be beneficial, and that their wording would allow us to encompass all three categories we discuss, we disagree with their language. The language which they have provided is overbroad and would provide challenges to the counties in determining who would be eligible to fill this position. The positions on these Boards are specific and determining who fills the requirements is straightforward, in this case "psychiatrist, physician's assistant or nurse practitioner in psychiatry" if our proposal is enacted. The category of "expertise in prescribing or oversight of mental health medications" is broad and could mean a vast number of things and could encompass many disciplines some of which might not really have a full understanding of what is needed by these vulnerable clients. Additionally, this language imparts an additional level of scrutiny that would be required by the County to determine the qualifications of a person who has applied. How do you evaluate what "oversight of mental health medications means?" While we believe the intent of the language was to provide the greatest possible number of applicants, it will only complicate the decision making process and add another layer of scrutiny for the County.

HB 690. Senate Support Letter .pdf

Uploaded by: Reuben Collins

Position: FAV



Charles County Government

CHARLES COUNTY COMMISSIONERS

Reuben B. Collins, II, Esq., *President*
Ralph E. Patterson, II, M.A., *Vice President*
Gilbert O. Bowling, III
Thomasina O. Coates, M.S.
Amanda M. Stewart, M.Ed.

Mark Belton
County Administrator

March 21, 2024

Bill: HOUSE BILL 690 Charles County - Adult Protective Services Review Board -
Membership
Committee: Senate – Judicial Proceedings
Position: FAVORABLE

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members:

On behalf of the County Commissioners for Charles County, this letter is to express support for HB 690 – Charles County - Adult Protective Services Review Board - Membership. HB 690 updates the requirement for one (1) member of the Adult Protective Services Review Board to be a psychiatrist, and instead allows that same member to qualify as a psychiatrist, physician’s assistant or nurse practitioner in the field of psychiatry.

Due to the scarcity of licensed psychiatrists in southern Maryland, it has been very difficult to find a psychiatrist in Charles County willing to serve on the Board. Both St. Mary’s County and Washington County experienced similar challenges with finding a qualified psychiatrist to serve, and ultimately sought an amendment to allow for either a psychiatrist or psychologist to qualify.

It is our hope that by amending the membership criteria, our local Board will be able to attract a knowledgeable professional in the field of psychiatry to assist it in reviewing each guardianship held by our public agency, rather than failing to have a professional in the field of psychiatry represented.

For the reasons stated herein, we encourage a FAVORABLE report on HB 690. Thank you for the opportunity to provide our support.

Sincerely,

A blue ink signature of Reuben B. Collins, II, Esq., consisting of stylized initials and a surname.

Reuben B. Collins, II, Esq., President
County Commissioners of Charles County

cc: Charles County Delegation

HB0690 - UNF - DHS.pdf

Uploaded by: Rachel Sledge Government Affairs

Position: UNF

March 21, 2024

The Honorable Will Smith
Chair, Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

RE: TESTIMONY ON HB 690 - Charles County - Adult Protective Services Review Board - Membership - POSITION: UNFAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide unfavorable testimony for House Bill 690 (HB 690). With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to workforce development and career opportunities. The Social Services Administration within DHS implements the Adult Services programs, which is affected by HB 690.

HB 690 alters the composition of the Adult Public Guardianship Review Board in Charles County to authorize the appointment of a physician's assistant or nurse practitioner in the field of psychiatry to serve on the board instead of a psychiatrist. We introduced Senate Bill 270 (SB 270) to address our concerns for all Public Guardianship Review Boards statewide. Our departmental legislation goes further than HB 690, refining specific membership requirements to include other professions with expertise in prescribing or oversight of mental health medications. We believe experience with and knowledge of mental health medication is critical on multidisciplinary review boards. We oppose counties carving out divergent board membership composition as we believe a uniform composition across the state is required, especially in the area of expertise of mental health related medications. We believe statewide modifications to the composition of guardianship review boards in SB 270 will help address the Board vacancy concerns HB 690 seeks to solve while ensuring the reviews of adults under public guardianship are as robust and thorough as possible.

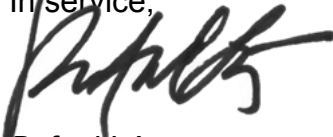
We appreciate the opportunity to provide the Committee with our reasons for opposition to HB 690 for consideration during your deliberations. We look forward to



the decision of the Committee and welcome continued collaboration to support the State's public guardianship review boards.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,



Rafael López
Secretary

