

WRITTEN TESTIMONY OF LINDA STANSBURY
CHAIR, CHARLES COUNTY ADULT PUBLIC GUARDIANSHIP REVIEW BOARD
BEFORE HOUSE JUDICIARY COMMITTEE
REGARDING HOUSE BILL 690
MARYLAND HOUSE OF DELEGATES
February 15, 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 of 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 believe that making this change will better allow us to fill the position, in fact we have been in contact with the new Behavioral Health program at the University of Maryland Charles Regional in La Plata, and they have indicated an interest in one of their practitioners applying for membership on the Board, but their practitioners are physician's assistants and nurse practitioners, and we would need this change to allow them to apply. This change would allow us to fill this increasingly important position on the Board. Due to the increased recruitment efforts by the Charles County Commissioners, we recently filled three (3) vacant positions. Currently the position of "psychiatrist" is the only position on the Board that remains unfilled.

The Area Council on Aging has provided a letter of support in this request, and it is attached.

We want to thank you for your time in considering our request.



AREA COUNCIL ON AGING

8190 Port Tobacco Road, Port Tobacco, Maryland 20677

January 31, 2024

The Honorable Luke Clippinger
Chair
House Judiciary Committee
Maryland House of Delegates
Room 101
House Office Building
Annapolis, MD

Dear Chairman Clippinger,

The Charles County Area Council on Aging's mission is to advocate on behalf of the seniors in the County. It has come to the Board's attention that the Adult Public Guardianship Review Board (APGRB) has submitted a proposal for legislative changes to Maryland Family Law Code Title 14 (section 14-402) concerning the Board's membership requirement for a psychiatrist.

The Code currently requires the member filling this position to be a licensed psychiatrist. The AGRB has proposed that that requirement be changed to indicate that the member can be a licensed psychiatrist, or a physician's assistant or nurse practitioner in the field of psychiatry. The reason for this change is that finding a psychiatrist has been virtually impossible due to the scarcity of licensed professionals in that field in the Southern Maryland area.

Since approximately 25% of the people under guardianship in the County are seniors and 75% of those seniors require some type of medication management for mental health reasons, we would support the proposal of this change.

If you have any questions, or I can provide additional information, please feel free to contact me. My email address is lms100850@aol.com and my phone number is 301-943-6713.

Thank you for your consideration of this proposal.

Sincerely,

Linda Stansbury

Linda Stansbury
Chair
Area Council on Aging