



March 4, 2025

Senate Finance Committee
TESTIMONY IN SUPPORT WITH AMENDMENT
SB 741 – Forensic Mental Health Treatment

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

Behavioral Health System Baltimore supports SB 741 – Forensic Mental Health Treatment with amendment. This bill would establish a much need process to review current policies related to forensic mental health treatment, provide recommendations for improvement, and provide some funding for those recommendations. BHSB supports this effort and recommends amendments to increase the membership of the workgroup and ensure a comprehensive review that considers outpatient and inpatient options equally.

Forensic mental health in Maryland is not functioning properly and demands immediate attention. There are hundreds of people diagnosed with mental health disorders languishing in jails for months while they are on waitlists for a forensic psychiatric facility placement. Currently there are 36 such cases in Baltimore City alone. These individuals are unlikely to receive effective care while incarcerated and are instead likely to deteriorate. Jails are not therapeutic environments. The isolation and potential conflict with inmates and staff only worsen mental health symptoms and make the process of competency restoration harder. Moreover, the state is currently being sued for its inability to place individuals found incompetent to stand trial in a proper setting in a timely way. Urgent action is needed to address this.

SB741 is a well-designed measure to start to improve this situation. The bill seeks to collect detailed information from the courts about each case where the defendant was found incompetent to stand trial and establishes a work group to review and make recommendations. This is a sensible approach that will allow work group members and policy makers to consider the complexities of the situation and each case. The establishment of the Forensic Mental Health Treatment Fund is also welcome to help allocate resources to the problem. BHSB is hopeful that this process will help but urges any potential effort to consider not only whether additional psychiatric beds are needed, but also how additional outpatient options and policies allowing conditional release could help. We also suggest that a representative from the Maryland Association of Behavioral Health Authorities be added to the work group. BHSB in our role as the LBHA in Baltimore works closely with the jail, courts, and providers to address this problem and a perspective similar ours would be useful to the work group.

BHSB offers the following two amendments to help broaden the perspectives present on the work group and expand the applicable uses for the Forensic Mental Health Treatment Fund:

- On page six, line 21 add the following to the list of workgroup members:
 - **(9) A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF BEHAVIORAL HEALTH AUTHORITIES**
- On page nine, line 15-16 add one additional use for the Forensic Mental Health Treatment Fund as follows:
 - (H) The Fund may only be used for purposes designed to increase **OUTPATIENT COMPETENCY RESTORATION OPTIONS AND** the total number of licensed psychiatric beds in the state.

BHSB welcomes this effort and hopes to see it move forward. **We urge the Finance Committee and Judicial Proceedings Committee to consider our amendments and issue a favorable report on SB741.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142