



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, Dr.PH, Acting Secretary*

March 4, 2025

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Senate Bill (SB) 741 – Forensic Mental Health Treatment – Letter of Opposition**

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of opposition for Senate Bill (SB) 741 – Forensic Mental Health Treatment

SB 741 seeks to change the requirements for obtaining a certificate of need (CON) when adjusting bed capacity in healthcare facilities. It establishes a Workgroup on Forensic Mental Health Treatment to create a specific form for judges to use when assessing an individual's competency to stand trial. Additionally, the bill creates the Forensic Mental Health Treatment Fund, a special non-lapsing fund, that would receive payments from certain fines and monetary penalties imposed by the courts.

While the Department acknowledges the bill's intent to improve forensic mental health services in Maryland, certain provisions may adversely affect the Department's operations and the broader state health system.

One of the bill's key provisions is the requirement for a CON for bed capacity adjustments before taking beds offline in healthcare facilities. Hospital systems often take beds offline due to emergent issues, such as HVAC failures or outbreaks of contagious illnesses, which can arise suddenly and without warning. Since these issues cannot be predicted and may occur with little notice, the 45-day advance notice required by the bill is not feasible. Imposing a CON for such emergencies would unnecessarily delay our response to critical situations, compromising the safety and well-being of our patients. Bed numbers also fluctuate in response to staffing availability and requirements for specific staffing ratios to meet patient needs. Requiring beds to continue operating without adequate and appropriate staffing levels puts patients and staff members at risk.

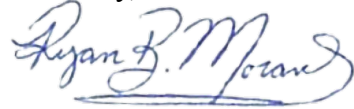
The bill also proposes creating a workgroup to develop a new form for judges to use in incompetency to stand trial (IST) proceedings. Existing efforts are underway with the Criminal Justice subcommittee of the Behavioral Health Advisory Council and Commission on Behavioral Healthcare Treatment and Access. The Department is tracking and managing this information as part of its current operations. An additional form would create redundancy and divert valuable resources from other priorities. Given the existing data collection mechanisms and important

efforts done by the existing Advisory Council and Commission, the Maryland Department of Health recommends the Commission and Advisory Council be asked to include the requested information regarding data collection, psychiatric beds, and outpatient competency restoration programs in the annual report of the council. Staffing an additional volunteer workgroup would be administratively burdensome to all of the volunteers who already attend both BHAC and Commission meetings and subcommittee meetings as well as costly to staff a new workgroup whose efforts are already being addressed in existing formats.

The Department supports efforts to strengthen forensic mental health treatment; however, in its current form, Senate Bill 741 introduces provisions that could hinder timely and effective care delivery. The Department respectfully urges the Committee to reconsider the bill's impact on Maryland's mental health system and explore alternative solutions to address these concerns.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ryan B. Moran". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Ryan B. Moran, Dr.P.H., MHSA  
Acting Secretary