

DRM_SB0741_Support.pdf

Uploaded by: Courtney Bergan

Position: FAV

Senate Finance Committee
Senate Bill 741: Forensic Mental Health Treatment
Tuesday, March 4, 2025, 1:00 PM
Position: Support

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. In the context of mental health disabilities, DRM advocates for access to person-centered, culturally responsive, trauma-informed care in the least restrictive environment. DRM appreciates the opportunity to provide testimony on SB 741, which will work to address ongoing barriers to accessing forensic mental health services in Maryland by creating a Workgroup on Forensic Mental Health Treatment and directing contempt fines towards a specific Forensic Mental Health Services fund, which will be used to mitigate state hospital waitlists. While DRM has concerns about the specific use of the Forensic Mental Health Services Fund outlined in SB 741 as outlined below, DRM is working with the sponsor and is confident these concerns can be resolved.

For the past several years, waitlists for state psychiatric facilities have continued to grow and Marylanders with serious mental illness who are accused of crimes are languishing in Maryland's jails for several months while waiting for a bed to open at the state hospital. The reasons for these delays are multi-faceted but primarily results from the failure to offer outpatient competency restoration, the lack of appropriate community placements for people coming out of state hospitals, and failure to provide specific clinical services that many patients need to be discharged from a state facility. Previously, a forensic services workgroup was studying these issues and identifying solutions, but the workgroup was disbanded nearly a decade ago and without any oversight body specifically evaluating these issues, these problems have once again reared their ugly head. By forming a new workgroup to study the forensic mental health landscape in Maryland, DRM is optimistic that stakeholders will be able to come together to identify sustainable solutions that will make Maryland's forensic mental health system more efficient and effective for all.

DRM also supports directing contempt fines that are not being used to pay for housing in a county jail to the Forensic Mental Health Treatment Fund. Directing contempt fines to a specific Forensic Mental Health Services Fund is essential to ensuring that these fines serve the purpose of compelling compliance with the State's legal mandate to transfer people to a designated facility within 10 days of being adjudicated incompetent to stand trial. However, DRM cannot support the specific directive that these funds be used for the limited purpose of increasing the number of hospital beds in the state. Instead, DRM suggests the Forensic Mental Health Services Fund be put towards creating outpatient competency restoration services and expanding transitional services.

Marylanders have a right to receive forensic mental health services in the most integrated setting appropriate to their needs; solutions for addressing state hospital waitlists must focus on moving people through the forensic mental health system rather than expanding bed capacity. As identified in a 2016 report from the since disbanded, Forensic Services Advisory Council, prolonged state hospital waitlists are “not just due to the absolute number of inpatient beds within the Department of Health and Mental Hygiene (DHMH), but also from the consequences of a disjointed system that, over many years, has created bottle necks at every point within the system; from initial evaluation to release to the community, and virtually every step in between.”¹ While the legislature has taken many steps to try to address the disjointed system in the intervening years since this report was published, many gaps in the system remain that create bottlenecks in the system that are leading to the prolonged state hospital waitlists we are seeing today. Most notably, people who have not exhibited dangerous conduct struggle to access appropriate outpatient competency restoration services and people who are found to have exhibited dangerous conduct that causes them to be placed in state hospitals, often experience barriers accessing appropriate step-down services, despite being deemed clinically ready for discharge, causing discharge delays lasting months or even years. Because of these gaps in services, state hospital waitlists continue to grow. Therefore, DRM believes that directing contempt funds to be spent on outpatient competency restoration and transitional services will more effectively mitigate the risks of unnecessary institutionalization, eliminate bottlenecks, reduce waitlists, and perhaps most importantly, improve clinical outcomes for people who are served within the forensic mental health system.

DRM urges the committee to issue a favorable report on SB 741 and help guarantee Marylanders’ access to timely and effective forensic mental health treatment that is provided in the most integrated setting appropriate to an individual’s needs.

Please contact Courtney Bergan, Disability Rights Maryland’s Equal Justice Works Fellow, for more information at CourtneyB@DisabilityRightsMd.org or 443- 692-2477.

¹ Stephen B. Goldberg, M.D., Maryland Department of Health and Mental Hygiene, [Forensic Services Workgroup: Report of Recommendations](#) (Aug. 31, 2016).

SB741 FAV - NAMI.pdf

Uploaded by: Michael Gray

Position: FAV

March 4, 2025

Chair Beidle, Vice Chair Hayes, and distinguished members of the Finance Committee,

The National Alliance on Mental Illness (NAMI)-Maryland respectfully requests a favorable report on SB741.

NAMI Maryland and our 11 local affiliates across the state represent a network of more than 58,000 families, individuals, community-based organizations, and service providers. NAMI Maryland is a 501(c)(3) non-profit dedicated to providing education, support, and advocacy for people living with mental illnesses, their families, and the wider community.

We appreciate the need for an objective review process of criminal justice involved persons who are evaluated for competency to stand trial. People with mental health conditions are often charged with criminal offenses, due in whole or in part to mental illness symptoms. Those same symptoms can make it impossible for them to reasonably understand the charges brought by the state, or to take an active part in their own defense. When a court finds a person incompetent to stand trial, it causes a delay in the adjudication of their case, and such delays should only occur if there is an objective and fair procedure for evaluating competency. SB741 would create a process for collecting data on incompetency proceedings (§ 24-2501(G)) and require a workgroup to review that data and report to the governor and the General Assembly on the need for psychiatric beds and increased outpatient options to address competency restoration (§ 24-2501(H)-(J)). NAMI Maryland believes that reviewing competency determination data will indeed provide needed insights into the state's psychiatric bed shortage and need for more outpatient options.

SB741 also addresses the state bed shortage directly by requiring a certificate of need for any significant reduction in psychiatric beds at individual facilities and establishing a fund to increase the number of licensed psychiatric beds in the state. Any increase in the number of and appropriate use of psychiatric beds will help alleviate Maryland's rising number of people experiencing homelessness and lead to better outcomes for justice involved people living with mental health conditions.

For these reasons, we urge a favorable report on SB741.

Kathryn S. Farinholt
Executive Director
National Alliance on Mental Illness, Maryland

Contact: Morgan Mills
Compass Government Relations
Mmills@compassadvocacy.com

SB 741.pdf

Uploaded by: Ashley Clark

Position: FWA

MARYLAND PSYCHIATRIC SOCIETY



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

RE: Support With Amendment – SB 741: Forensic Mental Health Treatment

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1100 psychiatrists and physicians currently in psychiatric training.

Presently if an incompetent defendant is not transferred to a hospital within ten days, MDH is levied a daily fine which gets paid back to the detention center. This bill would require the money to go into a fund instead, for the purpose of building revenue to expand forensic bed capacity. It also requires a certificate of need for the closure of any forensic beds.

As written, the task force does not require the involvement of a forensic psychiatrist. The MPS/WPS supports this bill with the proposed amendment of adding a forensic psychiatrist to the task force participants.

If you have any questions regarding this testimony, please contact Lisa Harris Jones at lisa.jones@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee

SB 741 Forensic MH_BHSB_FAV W AMENDMENT.pdf

Uploaded by: Dan Rabbitt

Position: FWA



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

SB 741_AFSCME3_FWA.pdf

Uploaded by: Denise Gilmore

Position: FWA



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Phone: 410-547-1515
Email: info@afscmemd.org

Patrick Moran – President

**SB 741 – Forensic Mental Health Treatment
Finance Committee
March 4, 2025**

Position: FAVORABLE WITH AMENDMENT

AFSCME Council 3 represents 50,000 state, county, and municipal employees, including those working at MDH Forensic Facilities and within the Community Forensic Aftercare Program. Our members are on the frontlines of the forensic mental health treatment system, providing care and support from admission through discharge and beyond. SB 741 mandates a certificate of need when a healthcare facility in Maryland closes five or more psychiatric beds, and it also establishes a forensic mental health workgroup.

AFSCME Council 3 fully supports SB 741, with the following amendment:

AFSCME Amendment on SB 741

On. Pg. 6, Line 21, add:

THE PRESIDENT OF AFSCME COUNCIL 3, OR THE PRESIDENT’S DESIGNEE.

Our members are dedicated to providing the best care for their patients, and we believe this amendment is essential to ensure that the voices of frontline staff, who interact with this population daily, are heard. We are grateful to the sponsors for recognizing the value of our members' work and strongly encourage the committee to pass SB 741 with the sponsor amendments.

Thank you for your continued support and advocacy for the vulnerable Marylanders who rely on the care provided by our forensic mental health professionals who work in state government.

SB 741 - MDH - FIN - LO0 (1).pdf

Uploaded by: Meghan Lynch

Position: UNF



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.

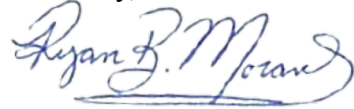
The bill also proposes creating a workgroup to develop a new form for judges to use in incompetency to stand trial (IST) proceedings. Existing efforts are underway with the Criminal Justice subcommittee of the Behavioral Health Advisory Council and Commission on Behavioral Healthcare Treatment and Access. 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.

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