

**Senate Bill 550 – Health Care Decisions Act – Surrogate Decision Making –  
Mental Disorders**

**POSITION: Favorable**

February 24, 2026

Senate Finance Committee

The University of Maryland Medical System (“UMMS”) supports Senate Bill 550 – Health Care Decisions Act – Surrogate Decision Making – Mental Disorders. Senate Bill 550 (“SB 550”) proposes to repeal the provision of State law that prohibits designated surrogate decision-makers from authorizing mental health treatment in the same manner that they authorize other health care treatment.

Maryland law allows a surrogate (e.g., guardian, spouse or domestic partner, adult child of the patient, parent of the patient, adult brother or sister of the patient, or a friend or other relative who meets additional criteria) to make virtually any health care decision on behalf of a patient that lacks capacity, unless the health care decision relates to sterilization or treatment of a mental health disorder. SB 550 would modernize Maryland’s surrogate decision making laws to better align the treatment standards of physical and mental health conditions, bring Maryland surrogate decision making laws in line with the majority of U.S. states, and provide critical access to care to a population that lacks the capacity to make informed health care decisions.

**1. Maryland’s blanket prohibition against surrogates making any mental health decisions is a significant outlier among states.**

While states have varied approaches to surrogate decision making for mental health treatment, **Maryland is one of only four jurisdictions** (Idaho, Louisiana, and New Mexico) that have a blanket prohibition against surrogates making mental health treatment decisions. In contrast, a total of 33 states and the District of Columbia either allow unrestricted decision making for mental health care (8 states) or permit surrogates to authorize some mental health care with specific, limited restrictions (e.g., cannot authorize electroconvulsive therapy or involuntary admission). SB 550 is a commonsense measure that would bring Maryland law in line with the majority of jurisdictions in the U.S. related to surrogate decision-making authority.

**2. Amending Maryland’s default surrogate law will promote access to timely care and prevent costly and lengthy guardianship proceedings.**

If someone lacks capacity and no formal decision-maker has been appointed (via durable power of attorney or a court guardianship), clinicians and families are frequently left without a way to provide timely and necessary treatment. Under statute, designated surrogates are those closest to the patient – either family members or trusted representatives – and therefore those in the best position to advocate for the health and safety of the patient. By removing the blanket prohibition on authorizing mental health

treatment, SB 550 will allow families to direct mental health treatment for their loved ones in the same manner that they are allowed to direct other health care decisions.

Under current law, family members and clinicians must initiate guardianship proceedings in order to proceed with mental health treatment. Guardianship proceedings, while sometimes necessary, are inherently resource-intensive, and often slow. Depending on the jurisdiction, it can take a district court in Maryland 6 to 9 months to review and approve guardianship. When a patient has been determined to lack decisional capacity, waiting days or weeks for a court appointment can mean prolonged hospitalization, worsening symptoms, avoidable suffering, or escalation to crisis.

SB 550 would provide a narrowly tailored alternative that allows trusted family members to step in immediately, ensuring continuity of care without sacrificing legal safeguards. Particularly in mental health treatment, where stabilization, medication adjustments, or discharge planning may be time-sensitive, care simply cannot wait for a docket to clear. By authorizing surrogates to make decisions related to the treatment of a mental health condition the law prevents unnecessary and costly judicial delays while protecting patients' health and dignity.

For these reasons, the University of Maryland Medical System supports SB 550, and respectfully requests a *favorable* report on the bill.

For more information, please contact:

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