



Written Testimony

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

Senate Finance Committee

February 24, 2026

Thank you for the opportunity to submit testimony in support of Senate Bill 550, which modernizes Maryland's Health Care Decisions Act to allow legally recognized surrogate decision-makers to authorize treatment for a mental disorder when an individual has been certified as incapable of making an informed medical decision.

As the nation's largest private, nonprofit behavioral health provider, and a statewide safety-net system serving more than 80,000 people annually, Sheppard Pratt supports this reform.

SB550 Fixes a Critical Gap in Maryland Law

Under current statute, surrogates may consent to medical, surgical, and life-preserving treatments, but not to mental health treatment. This prohibition:

- Creates dangerous care delays for individuals whose psychiatric conditions temporarily impair decisional capacity;
- Results in prolonged emergency department stays, inpatient boarding, or clinical deterioration while providers seek alternatives;
- Conflicts with the medical reality that mental health treatment is health care; and
- Leaves families powerless at the very moment their loved one requires urgent care.

SB 550 aligns mental health care with all other forms of medical treatment and ensures patients receive timely, clinically appropriate intervention.

Allows Families to Act in the Patient's Best Interests

The bill does not expand involuntary treatment. It simply allows an authorized surrogate, following Maryland's existing priority framework, to consent when:

- The patient lacks capacity, and
- The surrogate is making decisions based on the patient's known wishes or, when unknown, their best interests.

This mirrors long-standing provisions for all other health conditions.

Promotes Earlier, Safer, and More Effective Care

Many psychiatric illnesses (e.g., psychosis, severe depression, mania, dementia) impair insight and judgment. These impairments are often temporary, and patients frequently regain capacity after stabilizing treatment.

By enabling timely consent from trusted surrogates, SB 550:

- Prevents avoidable crisis escalation;
- Reduces ED boarding and inpatient length-of-stay;
- Supports trauma-informed, family-centered care; and
- Improves clinical outcomes and patient safety.

This bill reflects the lived experiences of thousands of Maryland families who repeatedly encounter unnecessary barriers when trying to help a loved one access care.

A Modern, Compassionate, Evidence-Based Update

More than a dozen states already allow surrogate authorization of mental health treatment in incapacity situations. Maryland's current prohibition is an outlier and is inconsistent with modern clinical standards.

SB 550 represents a critical modernization of Maryland law—one that is strongly supported by frontline clinicians, hospital systems, community providers, and families across the behavioral health continuum.

For these reasons, Sheppard Pratt respectfully urges a favorable report on Senate Bill 550.

Thank you for your consideration.