



Maryland
Hospital Association

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

Position: *Support*

February 24, 2026

Senate Finance Committee

MHA Position

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 550. This legislation addresses a critical gap in current law that can delay necessary mental health care for some of Maryland's most vulnerable patients.

Surrogates currently are prohibited from authorizing treatment for mental disorders, even though they can make decisions regarding virtually all other medical care. This distinction creates significant barriers to care for patients experiencing serious psychiatric illness who lack capacity, delaying necessary interventions and prolonging hospitalization. It can also create immense frustration and distress for the surrogates, who are generally the patient's family or friends.

SB 550 would remove the current prohibition that prevents surrogate decision-makers from authorizing needed mental health treatment for patients who lack capacity and have no appointed health care agent. By repealing this prohibition, SB 550 appropriately places mental health treatment decisions on par with other kinds of medical treatment decisions. This is critical for patients with co-occurring mental and physical health conditions, where the treatment of one condition affects and is affected by the treatment of the other.

Furthermore, allowing surrogates to make these decisions, guided by the patient's best interests and wishes, likely reduces or prevents the need for court involvement by way of emergency petitions or other legal processes that can create administrative burdens and delays. If SB 550 is enacted, it will be essential to ensure alignment with existing statutes and regulations governing guardianships and involuntary admissions to avoid conflicts and confusion.

Hospitals frequently encounter patients with acute psychiatric needs who are unable to consent to treatment. By allowing surrogate consent for mental health treatment, this bill will ensure that clinicians can provide timely, comprehensive, continuous care to incapacitated patients.

For these reasons, we request a favorable report on SB 550.

For more information, please contact:

Natasha Mehu, Vice President, Government Affairs & Policy

Nmehu@mhaonline.org