

March 30, 2026

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

Support With Amendment: HB1018/SB985 -- immigration detention and mandatory minimum standards

Dear Chairman Smith & 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/WPS represent over 1200 psychiatrists and physicians currently in psychiatric training.

The Maryland Psychiatric Society and Washington Psychiatric Societies support this bill to ensure that immigration detention facilities are held to the same humane standards as correctional facilities. Our organizations supervise and train psychiatrists who work in state jails and prisons. One aspect of this bill poses a risk to this training and may unintentional undermine the intent of this bill. Specifically, it creates a mandatory reporting duty for any physician who knows of a security breach or violation of "mandatory minimum standards" as defined by regulations. Failure to report creates a basis for potential board discipline. This would have a chilling effect on physician recruitment and training efforts. Mandatory reporting could also constitute a violation of HIPAA and state patient privacy laws, and could endanger patient safety if the prison or detainee reporter is identified as a cooperating witness.

These issues are easily corrected through the following amendments:

See page 6 line 28 through page 7 line 5:

(2) AN INDIVIDUAL SUBJECT TO THIS SUBSECTION ~~SHALL~~ MAY REPORT TO THE COMMISSION:

(I) A VIOLATION OF THE MINIMUM MANDATORY STANDARDS THAT THE INDIVIDUAL HAS REASON TO BELIEVE HAS BEEN COMMITTED BY A CORRECTIONAL FACILITY OR AN IMMIGRATION DETENTION FACILITY; AND

(II) A KNOWN BREACH OF THE SECURITY OF A SYSTEM OF A CORRECTIONAL FACILITY

OR AN IMMIGRATION DETENTION FACILITY.

See page 7 lines 6-10:

~~(3) IF THE REGULATING BODY FOR A LICENSED HEALTH CARE PRACTITIONER OR A CERTIFIED SECURITY GUARD DETERMINES THAT AN INDIVIDUAL HAS FAILED TO SUBMIT A REPORT IN VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSING BODY SHALL TAKE APPROPRIATE DISCIPLINARY ACTION.~~

To conclude, MPS and WPS support the intent of HB1018, but believe our suggested amendments strike the right balance between the need to provide humane care to correctional or immigrant patients and the need to enforce minimum constitutional standards. MPS and WPS ask the committee for a favorable report on HB1018.

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

Respectfully Submitted,
The Maryland Psychiatric Society & Washington Psychiatric Society
Legislative Action Committee