



Department of Public Safety and Correctional Services

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BILL: SENATE BILL 196

POSITION: SUPPORT

EXPLANATION: Senate Bill 196 seeks to establish a Medication Review Committee within the Department of Public Safety and Correctional Services for the purpose of administering psychotropic medications to incarcerated individuals who refuse the medication.

- The Department cares for, and has custody of, a population of incarcerated individuals who suffer from persistent and debilitating mental illness and refuse mental health treatment.
- Currently, the Department does not have statutory authority to administer psychotropic medications over an incarcerated individual's objection, absent an emergency situation.
- The inability to provide involuntary medication has far reaching consequences. Incarcerated individuals who refuse voluntary treatment face a significant risk of serious harm to themselves and others, are unable to meet their basic physical needs, and demonstrate severe deterioration in their mental and medical conditions and overall quality of life.
- SB 196 stipulates that psychotropic medications cannot be administered to individuals who refuse them, except under specific circumstances. This provision respects the autonomy and rights of incarcerated individuals while also ensuring that their health needs are met.
- This bill will equip clinical staff with the essential tools to stabilize the mental health of incarcerated individuals, while also emphasizing the critical importance of ongoing mental and medical care for their well-being. Appropriate medication management could significantly improve mental and medical health outcomes for these incarcerated individuals, reducing incidents of self-harm and aggression.
- Additionally, the bill establishes a thorough process in which a Medication Review Committee evaluates the treatment options tried and determines whether to approve or deny the use of psychotropic medications for incarcerated individuals. This

ensures that decisions are guided by clinical necessity and ethical standards. By introducing a structured review system, the bill seeks to improve the quality of care for those in custody.

- As part of the medication review process to determine if involuntary medication is clinically appropriate, the incarcerated individual has the right to attend the committee meeting, present information, including witnesses, ask questions and is assigned a lay advisor to assist them through the process.
- If the psychotropic medication is approved, the Medication Review Committee provides the decision to the incarcerated individual, the lay advisor, and is documented in the medical record.
- The incarcerated individual may appeal the decision of the Medication Review Committee to the Office of the Administrative Hearings and has a right to counsel to assist during the appeal process.
- The U.S. Supreme Court's decision in the *Washington v. Harper* decision held that, "given the requirements of the prison environment, the due process clause permits the State to treat a prison inmate who has a serious mental illness with antipsychotic against his will, if the inmate is a danger to himself or others and the treatment is in the inmate's medical interest". The court found the internal institutional review processes established by the Department of Corrections were adequate to ensure the integrity of due process was intact.
- Incarcerated individuals hold a constitutional right to refuse medication; however, this right is carefully balanced against the prison's significant interest in ensuring safety and security. The medication process is carefully designed to uphold and protect the rights of those incarcerated throughout every step.
- The Department and its facilities strive to provide the highest quality of care and intervention for these incarcerated individuals. This bill is crucial for ensuring the mental health and well-being of incarcerated individuals who are seriously mentally ill and refuse psychotropic medication.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests this Committee vote **FAVORABLE** on Senate Bill 196.