

SENATE BILL 154

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SB 994/22 – FIN

3lr1010
CF 3lr1011

By: **Senators Beidle and Augustine**
Introduced and read first time: January 17, 2023
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Mental Health Advance Directives – Awareness and Statewide**
3 **Database**

4 FOR the purpose of requiring the Maryland Department of Health to develop and
5 implement a public awareness campaign to encourage the use of mental health
6 advance directives in the State; requiring the Behavioral Health Administration and
7 the Maryland Health Care Commission jointly to study the feasibility and cost of
8 establishing a centralized statewide database of mental health advance directives
9 how first responders and behavioral health crisis providers can access a certain
10 advanced directive database when responding to a behavioral health crisis; and
11 generally relating to mental health advance directives.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 5–602.1
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2022 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 5–615.2
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 **5–602.1.**

5 (a) In this section, “mental health services” has the meaning stated in §
6 4–301(k)(1) of this article.

7 (b) An individual who is competent may make an advance directive to outline the
8 mental health services which may be provided to the individual if the individual becomes
9 incompetent and has a need for mental health services either during, or as a result of, the
10 incompetency.

11 (c) (1) An individual making an advance directive for mental health services
12 shall follow the procedures for making an advance directive provided under § 5–602 of this
13 subtitle.

14 (2) The procedures provided under § 5–604 of this subtitle for the
15 revocation of an advance directive shall apply to the revocation of an advance directive for
16 mental health services.

17 (d) An advance directive for mental health services may include:

18 (1) The designation of an agent to make mental health services decisions
19 for the declarant;

20 (2) The identification of mental health professionals, programs, and
21 facilities that the declarant would prefer to provide mental health services;

22 (3) A statement of medications preferred by the declarant for psychiatric
23 treatment; and

24 (4) Instruction regarding the notification of third parties and the release of
25 information to third parties about mental health services provided to the declarant.

26 **5–615.2.**

27 **(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC**
28 **AWARENESS CAMPAIGN TO ENCOURAGE THE USE OF MENTAL HEALTH ADVANCE**
29 **DIRECTIVES IN THE STATE.**

30 **(B) THE PUBLIC AWARENESS CAMPAIGN SHALL INCLUDE AWARENESS**
31 **INITIATIVES TO ENCOURAGE AND SUPPORT OUTREACH EFFORTS BY THE**
32 **FOLLOWING PERSONS AND GOVERNMENT AGENCIES TO INFORM PRESENT OR**

1 FUTURE RECIPIENTS OF MENTAL HEALTH SERVICES AND MEMBERS OF THEIR
2 FAMILIES, HEALTH CARE PROVIDERS, AND OTHER BEHAVIORAL HEALTH CARE
3 PARTNERS ABOUT MENTAL HEALTH ADVANCE DIRECTIVES:

4 (1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
5 SERVICES;

6 (2) THE DEPARTMENT OF STATE POLICE;

7 (3) THE DEPARTMENT OF VETERANS AFFAIRS;

8 (4) LOCAL HEALTH DEPARTMENTS;

9 (5) LOCAL BEHAVIORAL HEALTH AUTHORITIES;

10 (6) BEHAVIORAL HEALTH PROGRAMS;

11 (7) PRACTICING PSYCHIATRISTS, PSYCHOLOGISTS, PROFESSIONAL
12 COUNSELORS AND THERAPISTS, AND SOCIAL WORKERS;

13 (8) HEALTH CARE FACILITIES;

14 (9) ACADEMIC INSTITUTIONS;

15 (10) RELIGIOUS ORGANIZATIONS; AND

16 (11) OTHER PERSONS WHO ENCOUNTER PRESENT OR FUTURE
17 RECIPIENTS OF MENTAL HEALTH SERVICES.

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

19 (a) ~~(1)~~ The Behavioral Health Administration and the Maryland Health Care
20 Commission jointly shall study the feasibility and cost of establishing a centralized
21 statewide database of mental health advance directives that can be readily accessed to
22 assist responses to behavioral health crises and the provision of mental health services by
23 first responders, health care providers, crisis communication centers, crisis treatment
24 centers, and any other partners designated by the Behavioral Health Administration.

25 ~~(2)~~ The study shall include an assessment of the feasibility and costs
26 associated with:

27 ~~(i)~~ incorporating mental health advance directives into the State's
28 current advance directive registry;

29 ~~(ii)~~ developing and maintaining an independent, centralized
30 statewide database of mental health advance directives; and

1 ~~(iii) incorporating mental health advance directives directly into the~~
 2 ~~State-designated health information exchange~~ how first responders and behavioral health
 3 crisis providers can access the advanced directives database developed by the Maryland
 4 Health Care Commission, in collaboration with the State-designated health information
 5 exchange, in accordance with § 19-145.1 of the Health – General Article when responding
 6 to a behavioral health crisis.

7 (b) On or before December 1, 2023, the Behavioral Health Administration and the
 8 Maryland Health Care Commission jointly shall report to the Senate Finance Committee
 9 and the House Health and Government Operations Committee, in accordance with §
 10 2-1257 of the State Government Article, on the findings of the study required under
 11 subsection (a) of this section.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 13 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.