

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

A BILL ENTITLED

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 to
7 study the feasibility and cost of establishing a centralized statewide database of
8 mental health advance directives; and generally relating to mental health advance
9 directives.

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

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

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

22 **Article – Health – General**

23 5–602.1.

24 (a) In this section, “mental health services” has the meaning stated in §
25 4–301(k)(1) of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

5–615.2.

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

(B) THE PUBLIC AWARENESS CAMPAIGN SHALL INCLUDE AWARENESS INITIATIVES TO ENCOURAGE AND SUPPORT OUTREACH EFFORTS BY THE FOLLOWING PERSONS AND GOVERNMENT AGENCIES TO INFORM PRESENT OR FUTURE RECIPIENTS OF MENTAL HEALTH SERVICES AND MEMBERS OF THEIR FAMILIES, HEALTH CARE PROVIDERS, AND OTHER BEHAVIORAL HEALTH CARE PARTNERS ABOUT MENTAL HEALTH ADVANCE DIRECTIVES:

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

(2) THE DEPARTMENT OF STATE POLICE;

1 **(3) THE DEPARTMENT OF VETERANS AFFAIRS;**

2 **(4) LOCAL HEALTH DEPARTMENTS;**

3 **(5) LOCAL BEHAVIORAL HEALTH AUTHORITIES;**

4 **(6) BEHAVIORAL HEALTH PROGRAMS;**

5 **(7) PRACTICING PSYCHIATRISTS, PSYCHOLOGISTS, PROFESSIONAL**
6 **COUNSELORS AND THERAPISTS, AND SOCIAL WORKERS;**

7 **(8) HEALTH CARE FACILITIES;**

8 **(9) ACADEMIC INSTITUTIONS;**

9 **(10) RELIGIOUS ORGANIZATIONS; AND**

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

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

13 (a) (1) The Behavioral Health Administration shall study the feasibility and
14 cost of establishing a centralized statewide database of mental health advance directives
15 that can be readily accessed to assist responses to behavioral health crises and the provision
16 of mental health services by first responders, health care providers, crisis communication
17 centers, crisis treatment centers, and any other partners designated by the Behavioral
18 Health Administration.

19 (2) The study shall include an assessment of the feasibility and costs
20 associated with:

21 (i) incorporating mental health advance directives into the State's
22 current advance directive registry;

23 (ii) developing and maintaining an independent, centralized
24 statewide database of mental health advance directives; and

25 (iii) incorporating mental health advance directives directly into the
26 State-designated health information exchange.

27 (b) On or before December 1, 2023, the Behavioral Health Administration shall
28 report to the Senate Finance Committee and the House Health and Government
29 Operations Committee, in accordance with § 2-1257 of the State Government Article, on
30 the findings of the study required under subsection (a) of this section.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2023.