

**House Bill 779 Correctional Services - Medication Review Committee –
Administration of Psychotropic Medication to an Incarcerated Individual**

Judiciary Committee

February 18, 2025

Position: OPPOSE

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in opposition to House Bill 779.

HB 779 would establish a policy for the involuntary administration of psychotropic medication to an incarcerated individual in a state correctional facility in a nonemergency situation.

Currently, an individual may be medicated against their will only after they have been involuntarily admitted to a state psychiatric hospital. This is true even for individuals in state correctional facilities. An application for involuntary commitment must be effectuated and the individual must be transferred from the correctional facility where an Administrative Law Judge will determine at a hearing whether the person should be committed. Only then, after the person has met the criteria for involuntary commitment, will a medical review panel convene to determine whether the individual should be medicated against their will. This process ensures the patient meets the criteria for commitment and receives medication in the context of treatment in a hospital setting.

There are undoubtedly challenges with the existing procedure. However, we urge that this issue be studied during the interim before any changes are made. Any review should include:

- a thorough analysis of the challenges associated with the current procedure;
- an estimate of the number of individuals that would be subject to the new procedure;
- a full examination of the cost required to properly staff the proposed changes, including the cost of legal representation for the individuals involved; and
- a cost benefit analysis of this solution as well as other possible remedies in order to determine the best course of action.

For the reasons above, MHAMD opposes HB 779 and urges an unfavorable report, but we look forward to working with the legislature and the Department of Public Safety and Corrections to properly address this issue.

For more information, please contact Dan Martin at (410) 978-8865