

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 707
 Finance

(Senator Ready, *et al.*)

Health

Mental Health Law - Definition of Danger to the Life or Safety of the Individual
 or of Others and Reports on Emergency Evaluation Petitions (Right to
 Treatment)

This bill defines “danger to the life or safety of the individual or of others” for provisions of law regarding the emergency evaluation of an individual with a mental disorder and the involuntary admission of an individual with a mental disorder to a facility or Veterans’ Administration hospital. By December 15, 2026 (and annually through 2029), the Behavioral Health Administration (BHA) must report to the General Assembly regarding the use of petitions for emergency evaluation and make each report available to the public. Each report must include data for petitions made from October 1 of the preceding year to September 30 of the year the report is submitted, both inclusive.

Fiscal Summary

State Effect: General fund expenditures for the Office of the Public Defender (OPD) increase by *at least* \$414,000 in FY 2027 to hire additional staff, as discussed below. Maryland Department of Health (MDH) general fund expenditures increase by \$35,600 beginning in FY 2027 for contractual staff to handle required reports, as discussed below. The contractual position terminates in FY 2030. To the extent that the Judiciary requires additional staff, Judiciary general fund expenditures increase beginning in FY 2027 by an indeterminate amount. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	449,600	521,000	545,300	550,300	553,900
Net Effect	(\$449,600)	(\$521,000)	(\$545,300)	(\$550,300)	(\$553,900)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill may affect local police activities and circuit court caseloads.

Small Business Effect: None.

Analysis

Bill Summary: “Danger to the life or safety of the individual or of others” means there is, as a result of a mental disorder, a substantial risk, based on conduct that is recent and relevant to the danger that the individual may present and in consideration of the individual’s current condition and, if available, recent personal, medical, and psychiatric history, that the individual will (1) cause serious bodily harm to the individual or another or (2) be unable, except for reasons of indigence, to provide for the individual’s basic needs or safety to such a degree as to create a substantial risk of serious bodily harm, serious illness, or death in the near future.

BHA’s annual report must include:

- the number of petitions for emergency evaluation made in the State disaggregated by (1) the zip codes of where the individuals subject to a petition resided; (2) the age, race, gender, and ethnicity of the individuals who were subject to a petition; and (3) any co-occurring disabilities of the individuals subject to a petition;
- the number of petitions made in the State by (1) a health care provider; (2) a member of law enforcement; or (3) another interested person;
- the reason the petitions were made, including (1) threat of serious bodily harm to self; (2) action of serious bodily harm to self; (3) threat of serious bodily harm to others; (4) action of serious bodily harm to others; or (5) substantial inability to meet basic needs to such a degree as to create substantial risk of serious bodily harm, serious illness, or death;
- whether and how the use of force was employed in serving each petition; and
- the result of each petition, including whether the individual was (1) not served or unable to be located within the required time frame; (2) evaluated by a health professional and not admitted for inpatient care; (3) evaluated by a health professional and voluntarily admitted for inpatient care; or (4) evaluated by a health professional and involuntarily admitted for inpatient care.

Current Law:

Emergency Evaluations

Under the Health – General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has

a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if the peace officer has personally observed the individual or the individual's behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual.

Involuntary Admissions

Under the Health – General Article, an application for involuntary admission of an individual to a facility or Veterans' Administration hospital may be made by any person who has a legitimate interest in the welfare of the individual. In addition to other requirements, the application must (1) state the relationship of the applicant to the individual for whom admission is sought; (2) be signed by the applicant; and (3) be accompanied by the certificates of one physician and one psychologist, two physicians, or one physician and one psychiatric nurse practitioner.

Additionally, within 12 hours of receiving notification from the health care practitioner who has certified an individual for involuntary admission, MDH must receive and evaluate the individual for involuntary admission if certain requirements are met, including that the health care practitioner is unable to place the individual in a facility not operated by MDH.

A facility or Veterans' Administration hospital may not admit an individual under involuntary admission unless (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or of others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention that is consistent with the welfare and safety of the individual.

Specified health professionals and other interested parties may petition for an emergency evaluation of an individual, which may result in the involuntary admission of the individual to a mental disorder treatment facility, if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. Petitions for an emergency evaluation must contain specified additional information. If an emergency evaluatee meets the requirements for an involuntary admission and is unable or unwilling to agree to a voluntary admission, the examining physician must take the steps needed for involuntary admission of the emergency evaluatee to an appropriate facility, which may be a general hospital with a licensed inpatient psychiatric unit. If the examining physician is unable to have the emergency evaluatee admitted to a facility, the physician must notify MDH, which must provide for the admission of an emergency evaluatee to an appropriate facility within six hours of receiving notification.

State Expenditures:

Maryland Department of Health

As discussed below under **Additional Comments**, BHA cannot provide a report with all the specified data elements. Nevertheless, BHA must still submit four annual reports; additional staff is required to do so. Thus, MDH general fund expenditures increase by \$35,656 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. As the reporting responsibilities end upon submission of the report due December 15, 2029, the responsibilities incurred by this legislation may be performed by a contractual employee. This estimate reflects the cost of hiring one part-time (50%) contractual health policy analyst to collect the data that is available and prepare and distribute the annual reports. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	0.5
Salary and Fringe Benefits	\$27,557
Operating Expenses	<u>8,099</u>
Total MDH FY 2027 State Expenditures	\$35,656

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. The position and its associated costs terminate on January 1, 2030, after completion of the final required report.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

MDH advises that the bill's changes do not impact the department's hospital facilities.

Judiciary

The Judiciary advises that, in fiscal 2025, 5,008 petitions for emergency evaluation were filed in District Court, and 760 petitions were filed in circuit courts. In fiscal 2024, 4,381 petitions were filed in District Court, and 693 petitions were filed in circuit courts. The Judiciary advises that the altered definition could lead to increased filings of petitions for emergency evaluation, requiring additional court and clerical time, but it is difficult to estimate an exact number of increased petitions. To the extent that petitions increase sufficiently to require additional staff, general fund expenditures for the Judiciary increase indeterminately beginning in fiscal 2027.

Additionally, the Judiciary advises that if it is required to provide the information and data for the required BHA report, it could not do so for many of the elements (as discussed

below in **Additional Comments**). Further, the Judiciary would incur significant operational and fiscal impact to provide partial information.

Office of the Public Defender

OPD advises that it handled approximately 8,937 involuntary admission cases in fiscal 2025 and estimates that the bill could increase its caseload by at least 1,000 cases beginning in fiscal 2027.

OPD further advises that, although the best practice ratio is one attorney for every 226 mental health cases, current staff handles significantly higher caseloads (approximately 452 cases for each attorney). Thus, to meet the demand of an increased caseload, OPD advises that it would require – at minimum – three to five attorneys specializing in mental health, as well as one to two additional full-time secretaries and one part-time (50%) secretary to support the attorneys. OPD advises that, to meet best practices, eight additional attorneys, two full-time secretaries, and one part-time (50%) secretary are needed.

Thus, at a minimum, OPD general fund expenditures increase by \$413,976 in fiscal 2027, which accounts for the bill’s October 1, 2026 effective date. This estimate reflects the cost of hiring three attorneys, one full-time secretary, and one part-time (50%) secretary to handle additional mental health cases that arise under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Full-time Equivalent Positions	4.5
Salaries and Fringe Benefits	\$369,314
Operating Expenses	<u>44,662</u>
Total FY 2027 State Expenditures	\$413,976

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

For illustrative purposes only, if OPD hires five attorneys, two full-time secretaries, and one part-time (50%) secretary to handle the additional caseload, OPD general fund expenditures increase by \$683,927 in fiscal 2027. If OPD hires eight attorneys, two full-time secretaries, and one part-time (50%) secretary to meet best practices, OPD general fund expenditures increase by \$999,288 in fiscal 2027.

Additional Comments: This analysis assumes that BHA prepares reports on a limited set of the specified data elements. The initial report, which is due just two and a half months after the bill takes effect, is likely to be even more limited than those in successive years. While the report is required to be prepared by BHA, the administration does not have access

to most of the elements to be reported on. Further, the Judiciary advises that many of the elements are not provided to the courts, not known or recorded, and/or not readily searchable in court documents. For example, a few elements may be embedded within the text of petitions, but such information would be difficult to access. In addition, certain elements are protected under statute and can only be released through court order.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1014 (Delegate Woods, *et al.*) - Health.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Veterans and Military Families; Department of Legislative Services

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