



NOTICE – CRIMINAL PROCEDURE TITLE 3 INDIVIDUALS

(May 19, 2020)

This notice is given by Robert R. Neall, Secretary of Health, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020 proclaiming a state of emergency and the existence of a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020 entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” as it may be amended from time to time, after finding that the action described herein will not endanger the public health, welfare, or safety.

Section 3-106 of the Criminal Procedure Article requires the Maryland Department of Health (the “Department”) to admit within ten business days each criminal defendant committed to the Department as incompetent to stand trial and dangerous because of a mental disorder. Effective March 18, 2020, the Department suspended compliance with this requirement when it halted admissions to its psychiatric hospitals and juvenile facilities in order to maintain as healthy and safe environment as possible for its current inpatient population and staff and to have the ability to provide appropriate care to any patients who became infected with COVID-19.

The Department notified each respective court of the suspension of admissions each time that it received a court order committing a defendant to the Department. On March 27, 2020, Department staff participated on a conference call with representatives of the Judiciary, the Office of the Public Defender, and the State’s Attorney’s offices and explained the need to halt admissions to protect the health and safety of its existing patients and staff. The Department has also been in regular contact with Judge Morrissey, the Chief Judge of the District Court, regarding its plans.

On April 28, 2020, the Department notified the Judiciary that it would start admitting patients again; it admitted its first juvenile patient on April 29, 2020, and its first adult patient on May 11, 2020. The Department is admitting patients slowly and, only after a negative COVID-19 test. The Department intends to continue its suspension of the requirement to admit patients committed to the Department within ten business days until it has safely admitted those on the waiting list and can safely admit patients as a matter of course. The Department’s ability to admit additional patients committed by the courts will depend on its continued ability to maintain a safe and healthy environment for current patients and staff along with the ability to care for any patients who become infected with COVID-19.

During its suspension of the requirement to admit court-ordered individuals within ten business

days, the Department has offered to consult with the detention centers regarding the treatment of individuals committed to the Department and has assigned skilled social workers to work on diversion plans for the committed individuals. These social workers also regularly check on the acuity of all individuals waiting for admission and use that information to adjust admission plans.

This notice took effect March 18, 2020 and will remain in effect until the earlier of the termination of the state of emergency and rescission of the catastrophic health emergency or the time that the Department determines that it can, consistent with the public health, safety, and welfare, admit all individuals committed to the Department as incompetent to stand trial and dangerous because of a mental disorder within ten business of the receipt of an individual's commitment order.

Date: May 19, 2020

A handwritten signature in black ink, appearing to read "Robert R. Neall", is written over a horizontal line.

Robert R. Neall

Secretary of Health