

of the problem of direct commitments to Veterans Administration Hospitals and, as so modified, be enacted at the 1970 session of the General Assembly.

Sincerely,

/s/ MARVIN MANDEL,

Governor.

Letter from Veterans Administration on S.B. 285.

May 8, 1969.

Honorable Marvin Mandel
Governor of Maryland
Annapolis, Maryland 21404

Dear Governor Mandel:

Thank you for this opportunity to express the views of the Veterans Administration concerning Senate Bill No. 285. We believe the passage of this legislation would have a disastrous effect on the operation of the VA hospital system in Maryland.

By way of introduction, we believe it pertinent to mention that the Federal statutes applicable to the Veterans Administration do not provide procedures for the commitment and retention of mentally ill patients in VA hospitals. The authority to establish such procedures has been retained by the several states. The VA must necessarily follow such procedures as set out in the State law. This is true even though the VA hospital system has, of course, its own rules and regulations for internal operations.

The proposed Bill apparently has overlooked this fact and the necessity for "tying in" the VA hospital system in Maryland with legislation concerning the mentally ill. As a result, if Senate Bill No. 285 is approved, there would be an almost complete vacuum of applicable law since neither the Federal statutes nor the State code would then provide legislation pertinent to the commitment and retention of mentally ill veterans in the VA hospitals. For example, the only means of admission of mentally ill veterans to VA hospitals provided by the proposed Bill is the transfer of such veterans from a State institution (Section 17(d)). No provisions are made for the frequently utilized procedures currently in effect, such as, commitment on two doctors' certificates (Article 59, Section 32) and judicial commitments (Article 59, Section 22). Also, there is serious doubt, in view of the wording of Section 11 of the Bill, whether the VA hospitals could accept voluntary admissions of mentally ill veterans which is now provided for in Article 59, Section 37. In New York State where legislation concerning admissions to mental hospitals similar to Senate Bill No. 285 was enacted, it was necessary to incorporate a provision excepting VA hospitals. The actual wording of this proviso is "except veterans of any war, military occupation or expedition may be admitted to a veterans administration hospital without regard to the provisions of this chapter" (McKinney's Consolidated Laws of New York—Mental Hygiene Law—Section 70(2)). Since the proposed Bill, therefore, will require all mentally ill veterans who need or desire hospitalization in a VA hospital to first be admitted to a State hospital, we believe the State would incur a great deal of unnecessary expense for the hospitalization and the transportation of the veterans involved.