

# SENATE BILL 174

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5lr1910  
CF 5lr3002

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By: **Senator Eckardt**

Introduced and read first time: January 30, 2015

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Behavioral Health Administration – Behavioral Health Advisory Council**

3 FOR the purpose of establishing the Behavioral Health Advisory Council in the Office of  
4 the Governor; providing for the purpose, duties, and membership of the Council;  
5 requiring the Council to appoint the chair of the Council; providing for the terms of  
6 members; authorizing the Council to adopt certain procedures; authorizing the chair  
7 to designate certain individuals to serve on a committee or task force of the Council;  
8 requiring the Council to meet at least a certain number of times a year; providing  
9 that a member may not receive compensation as a member of the Council but is  
10 entitled to certain reimbursement for expenses; requiring the Behavioral Health  
11 Administration to provide certain staff for the Council; repealing the Maryland  
12 Advisory Council on Mental Hygiene and the State Drug and Alcohol Abuse Council;  
13 making certain conforming changes; and generally relating to the Behavioral Health  
14 Advisory Council.

15 BY adding to

16 Article – Health – General  
17 Section 7.5–301 through 7.5–305 to be under the new subtitle “Subtitle 3. Behavioral  
18 Health Advisory Council”  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Health – General  
23 Section 10–101(g), 10–312(b)(4)(i)9., and 10–1203(a)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2009 Replacement Volume and 2014 Supplement)

3 BY repealing  
4 Article – Health – General  
5 Section 10–301 through 10–305 and the part “Part I. Maryland Advisory Council”  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume and 2014 Supplement)

8 BY repealing  
9 Article – State Government  
10 Section 9–2801 through 9–2806 and the subtitle “Subtitle 28. State Drug and Alcohol  
11 Abuse Council”  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume)

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

16 **Article – Health – General**

17 **SUBTITLE 3. BEHAVIORAL HEALTH ADVISORY COUNCIL.**

18 **7.5–301.**

19 **IN THIS SUBTITLE, “COUNCIL” MEANS THE BEHAVIORAL HEALTH ADVISORY**  
20 **COUNCIL.**

21 **7.5–302.**

22 **THERE IS A BEHAVIORAL HEALTH ADVISORY COUNCIL IN THE OFFICE OF**  
23 **THE GOVERNOR.**

24 **7.5–303.**

25 **(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

26 **(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED**  
27 **BY THE PRESIDENT OF THE SENATE;**

28 **(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED**  
29 **BY THE SPEAKER OF THE HOUSE;**

30 **(III) FIVE REPRESENTATIVES OF THE DEPARTMENT,**  
31 **INCLUDING:**

1                   1.     **THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

2                   2.     **THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH**  
3 **AND DISABILITIES, OR THE DEPUTY SECRETARY'S DESIGNEE;**

4                   3.     **THE DIRECTOR OF THE BEHAVIORAL HEALTH**  
5 **ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;**

6                   4.     **THE EXECUTIVE DIRECTOR OF THE MARYLAND**  
7 **HEALTH BENEFIT EXCHANGE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

8                   5.     **THE DEPUTY SECRETARY FOR HEALTH CARE**  
9 **FINANCING, OR THE DEPUTY SECRETARY'S DESIGNEE;**

10                  (IV)  **THE SECRETARY OF AGING, OR THE SECRETARY'S**  
11 **DESIGNEE;**

12                  (V)   **THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**  
13 **SECRETARY'S DESIGNEE;**

14                  (VI)  **THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S**  
15 **DESIGNEE;**

16                  (VII) **THE SECRETARY OF HOUSING AND COMMUNITY**  
17 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

18                  (VIII) **THE SECRETARY OF HUMAN RESOURCES, OR THE**  
19 **SECRETARY'S DESIGNEE;**

20                  (IX)  **THE SECRETARY OF JUVENILE SERVICES, OR THE**  
21 **SECRETARY'S DESIGNEE;**

22                  (X)   **THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**  
23 **SERVICES, OR THE SECRETARY'S DESIGNEE;**

24                  (XI)  **THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE**  
25 **FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

26                  (XII) **THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE**  
27 **OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S**  
28 **DESIGNEE;**

29                  (XIII) **THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE**  
30 **OF THE DEAF AND HARD OF HEARING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

1 (XIV) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC  
2 DEFENDER'S DESIGNEE;

3 (XV) TWO REPRESENTATIVES OF THE STATE SUPERINTENDENT  
4 OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, AND THE ASSISTANT STATE  
5 SUPERINTENDENT OF THE DIVISION OF REHABILITATION SERVICES, OR THE  
6 ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

7 (XVI) TWO REPRESENTATIVES OF THE MARYLAND JUDICIARY, A  
8 DISTRICT COURT JUDGE, AND A CIRCUIT COURT JUDGE, APPOINTED BY THE CHIEF  
9 JUDGE OF THE COURT OF APPEALS;

10 (XVII) THE PRESIDENT OF THE MARYLAND ASSOCIATION  
11 OF CORE SERVICE AGENCIES, OR THE PRESIDENT'S DESIGNEE;

12 (XVIII) THE PRESIDENT OF THE MARYLAND ASSOCIATION  
13 OF COUNTY HEALTH OFFICERS, OR THE PRESIDENT'S DESIGNEE;

14 (XIX) FOUR REPRESENTATIVES FROM COUNTY BEHAVIORAL  
15 HEALTH ADVISORY COUNCILS, ONE FROM EACH REGION OF THE STATE;

16 (XX) ONE REPRESENTATIVE, APPOINTED BY THE ~~GOVERNOR~~  
17 SECRETARY OF HEALTH AND MENTAL HYGIENE, FROM EACH OF THE FOLLOWING  
18 ORGANIZATIONS:

- 19 1. COMMUNITY BEHAVIORAL HEALTH ASSOCIATION;
- 20 2. DRUG POLICY AND PUBLIC HEALTH STRATEGIES  
21 CLINIC, UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW;
- 22 3. MARYLAND ADDICTIONS DIRECTOR'S COUNCIL;
- 23 4. MARYLAND ASSOCIATION FOR THE TREATMENT OF  
24 OPIOID DEPENDENCE;
- 25 5. MARYLAND BLACK MENTAL HEALTH ALLIANCE;
- 26 6. MARYLAND COALITION OF FAMILIES;
- 27 7. MARYLAND DISABILITY LAW CENTER;
- 28 8. MARYLAND RECOVERY ORGANIZATION  
29 CONNECTING COMMUNITIES;

1                   **9. MENTAL HEALTH ASSOCIATION OF MARYLAND;**

2                   **10. NATIONAL ALLIANCE ON MENTAL ILLNESS OF**  
3 **MARYLAND;**

4                   **11. NATIONAL COUNCIL ON ALCOHOLISM AND DRUG**  
5 **DEPENDENCE OF MARYLAND; ~~AND~~**

6                   **12. ON OUR OWN OF MARYLAND; AND**

7                   **13. MARYLAND ASSOCIATION OF BOARDS OF**  
8 **EDUCATION; AND**

9                   **(XXI) TWO INDIVIDUALS REPRESENTING THE MENTAL HEALTH**  
10 **AND SUBSTANCE USE DISORDER TREATMENT COMMUNITY, APPOINTED BY THE**  
11 **GOVERNOR FROM EACH OF THE FOLLOWING:**

12                   **1. ACADEMIC OR RESEARCH PROFESSIONALS WHO ARE**  
13 **NOT STATE EMPLOYEES;**

14                   **2. MEDICAL PROFESSIONALS;**

15                   **3. INDIVIDUALS FORMERLY OR CURRENTLY IN RECEIPT**  
16 **OF BEHAVIORAL HEALTH SERVICES;**

17                   **4. FAMILY MEMBERS OF INDIVIDUALS WITH MENTAL**  
18 **HEALTH OR SUBSTANCE USE DISORDERS;**

19                   **5. A PARENT OF A YOUNG CHILD WITH BEHAVIORAL**  
20 **HEALTH DISORDERS;**

21                   **6. A YOUTH WITH A BEHAVIORAL HEALTH DISORDER**  
22 **WHO IS BETWEEN THE AGES OF 16 AND 25 YEARS; AND**

23                   **7. INDIVIDUALS ACTIVE IN BEHAVIORAL HEALTH ISSUES**  
24 **WITHIN THEIR COMMUNITY.**

25                   **(2) ADDITIONAL REPRESENTATIVES OR INDIVIDUALS DESIGNATED**  
26 **BY THE COUNCIL SHALL BE APPOINTED BY THE GOVERNOR.**

27                   **(B) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION**  
28 **(A)(1)(XXI) OF THIS SECTION SHALL BE REPRESENTATIVE, TO THE EXTENT**  
29 **PRACTICABLE, OF:**

1           (1) GEOGRAPHIC REGIONS OF THE STATE;

2           (2) AT-RISK POPULATIONS;

3           (3) ETHNIC, GENDER, ACROSS-THE-LIFESPAN, AND CULTURAL  
4 DIVERSITY; AND

5           (4) BALANCED REPRESENTATION FROM AREAS OF MENTAL HEALTH  
6 AND SUBSTANCE USE DISORDERS.

7           (C) THE COUNCIL SHALL APPOINT A CHAIR FROM AMONG THE  
8 MEMBERSHIP OF THE COUNCIL.

9           (D) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION  
10 ~~(A)(1)(XX) AND (XXI)~~ (A)(1)(XXI) OF THIS SECTION:

11                   (I) SERVE A 3-YEAR TERM;

12                   (II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE TERMS;

13                   (III) AFTER AT LEAST 6 YEARS HAVE PASSED SINCE SERVING,  
14 MAY BE REAPPOINTED FOR TERMS THAT COMPLY WITH ITEMS (I) AND (II) OF THIS  
15 PARAGRAPH;

16                   (IV) AT THE END OF A TERM, CONTINUE TO SERVE UNTIL A  
17 SUCCESSOR IS APPOINTED AND QUALIFIES; AND

18                   (V) IF APPOINTED AFTER A TERM HAS BEGUN, SERVE ONLY FOR  
19 THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

20           (2) EX OFFICIO MEMBERS SERVE AS LONG AS THE MEMBER HOLDS  
21 THE SPECIFIED OFFICE OR DESIGNATION.

22           (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS  
23 SUBSECTION, ALL MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR.

24           (E) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY DESIGNATE  
25 ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE ON A COMMITTEE  
26 OR TASK FORCE.

27 **7.5-304.**

28           (A) (1) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO DO  
29 BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.

1           **(2) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO CARRY**  
2 **OUT THE DUTIES OF THE COUNCIL.**

3           **(3) THE COUNCIL SHALL MEET AT LEAST SIX TIMES A YEAR.**

4           **(4) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A**  
5 **QUORUM.**

6           **(B) A MEMBER OF THE COUNCIL:**

7           **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
8 **COUNCIL; BUT**

9           **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
10 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

11           **(C) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE ONE**  
12 **FULL-TIME PROJECT MANAGER FOR ADMINISTRATIVE COORDINATION, AND OTHER**  
13 **STAFF AS NECESSARY TO SUPPORT THE FUNCTIONS OF THE COUNCIL.**

14 **7.5-305.**

15           **THE COUNCIL SHALL:**

16           **(1) PROMOTE AND ADVOCATE FOR:**

17           **(I) PLANNING, POLICY, WORKFORCE DEVELOPMENT, AND**  
18 **SERVICES TO ENSURE A COORDINATED, QUALITY SYSTEM OF CARE THAT IS**  
19 **OUTCOME-GUIDED AND THAT INTEGRATES PREVENTION, RECOVERY,**  
20 **EVIDENCE-BASED PRACTICES, AND COST-EFFECTIVE STRATEGIES THAT ENHANCE**  
21 **BEHAVIORAL HEALTH SERVICES ACROSS THE STATE; AND**

22           **(II) A CULTURALLY COMPETENT AND COMPREHENSIVE**  
23 **APPROACH TO PUBLICLY FUNDED PREVENTION, EARLY INTERVENTION,**  
24 **TREATMENT AND RECOVERY SERVICES THAT SUPPORT AND FOSTER WELLNESS,**  
25 **RECOVERY, RESILIENCY, AND HEALTH FOR INDIVIDUALS WHO HAVE BEHAVIORAL**  
26 **HEALTH DISORDERS AND THEIR FAMILY MEMBERS; AND**

27           **(2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN**  
28 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**  
29 **ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.**

30 **10-101.**

1 (g) “State Advisory Council” means the [State] **BEHAVIORAL HEALTH** Advisory  
2 Council [on Mental Hygiene].

3 10–312.

4 (b) Each county advisory committee and intercounty advisory committee shall:

5 (4) (i) Prepare and disseminate an annual report to the following:

6 9. The [Maryland] **BEHAVIORAL HEALTH** Advisory  
7 Council [on Mental Hygiene]; and

8 10–1203.

9 (a) To the extent resources are available, the Secretary, after consultation with  
10 the [Maryland] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene] as  
11 established in [Subtitle 3 of this title] **TITLE 7.5, SUBTITLE 3 OF THIS ARTICLE** and  
12 federal requirements mandated under P.L. 99–660, may initiate the development of core  
13 service agencies as a mechanism for community planning, management, and financing of  
14 mental health services.

15 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–301 through  
16 10–305 and the part “Part I. Maryland Advisory Council” of Article – Health – General of  
17 the Annotated Code of Maryland be repealed.

18 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 9–2801 through  
19 9–2806 and the subtitle “Subtitle 28. State Drug and Alcohol Abuse Council” of Article –  
20 State Government of the Annotated Code of Maryland be repealed.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.