

Chapter 360

(House Bill 427)

AN ACT concerning

Behavioral Health Administration – Outpatient Civil Commitment Pilot Program – ~~Statewide Expansion~~ Revisions

FOR the purpose of ~~repealing the authority of the Behavioral Health Administration to establish a certain outpatient civil commitment pilot program; requiring the Administration to establish a statewide outpatient civil commitment program; authorizing a local behavioral health authority to choose whether to participate in the program; requiring a local behavioral health authority that chooses to participate in the program to coordinate certain treatment for certain individuals; requiring the Administration to adopt certain regulations; establishing the Outpatient Civil Commitment Advisory Committee; providing for the composition, chair, terms, and staffing of the Advisory Committee; providing for the staggering of the initial terms of the appointed members of the Advisory Committee; prohibiting a member of the Advisory Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Advisory Committee to review and approve certain changes to the program; requiring the Administration to submit a certain report to certain committees of the General Assembly on or before a certain date each year~~ requiring the Behavioral Health Administration to allow an eligible individual to request enrollment into a certain outpatient civil commitment pilot program; requiring the Administration to allow an immediate family member of an eligible individual to request that the individual be voluntarily enrolled into a certain outpatient civil commitment pilot program; making conforming and technical changes; and generally relating to a statewide an outpatient civil commitment pilot program.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 7.5–205.1
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

Preamble

WHEREAS, Outpatient civil commitment is one approach to serve a small population of hard-to-engage individuals with serious mental illness; and

WHEREAS, The General Assembly passed legislation in 2017 authorizing the establishment of an outpatient civil commitment pilot program to improve access to services for individuals who have not been well-served by the public behavioral health system; and

WHEREAS, An outpatient civil commitment pilot program has been established in Baltimore City; and

WHEREAS, The pilot program in Baltimore City offers a comprehensive range of community-based and client-centered services and supports to individuals committed involuntarily to an inpatient psychiatric hospital, either through voluntary engagement or as a condition of release; and

WHEREAS, Individuals served by the pilot program are being effectively engaged, have experienced positive results, and have continued to participate in services; now, therefore,

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

Article – Health – General

7.5–205.1.

(a) ~~(1)~~ The Administration ~~may~~ **SHALL** establish ~~an~~ ~~A STATEWIDE~~ outpatient civil commitment ~~pilot~~ program to allow for the release of an individual who is involuntarily admitted for inpatient treatment under § 10–632 of this article on condition of the individual’s admission into the ~~pilot~~ program.

~~(2) A LOCAL BEHAVIORAL HEALTH AUTHORITY MAY CHOOSE WHETHER TO PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) IF A LOCAL BEHAVIORAL HEALTH AUTHORITY CHOOSES TO PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL BEHAVIORAL HEALTH AUTHORITY SHALL COORDINATE COMMUNITY-BASED TREATMENT FOR INDIVIDUALS ADMITTED TO THE PROGRAM.~~

~~(b)~~ If the Administration establishes a pilot program under subsection (a) of this section, the Administration shall:

(1) Adopt criteria an individual must meet in order to be admitted into the pilot program;

(2) Establish application, hearing, and notice requirements; ~~and~~

(3) Specify the rights of an individual who may be or who has been admitted into the pilot program;

(4) ALLOW AN ELIGIBLE INDIVIDUAL TO REQUEST ENROLLMENT INTO THE PILOT PROGRAM; AND

(5) ALLOW AN IMMEDIATE FAMILY MEMBER OF AN ELIGIBLE INDIVIDUAL TO REQUEST THAT THE INDIVIDUAL BE VOLUNTARILY ENROLLED INTO THE PILOT PROGRAM.†

~~(B) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS IMPLEMENTING THIS SECTION, IN CONSULTATION WITH THE OUTPATIENT CIVIL COMMITMENT ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.~~

~~(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:~~

~~(I) ESTABLISH THE REQUIRED CRITERIA FOR AN INDIVIDUAL TO BE ADMITTED INTO THE PROGRAM;~~

~~(II) ESTABLISH APPLICATION, HEARING, AND NOTICE REQUIREMENTS;~~

~~(III) SPECIFY THE RIGHTS OF AN INDIVIDUAL WHO MAY BE OR WHO HAS BEEN ADMITTED INTO THE PROGRAM; AND~~

~~(IV) ALLOW AN INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER OF AN INDIVIDUAL TO PETITION FOR THE INDIVIDUAL'S VOLUNTARY ADMISSION INTO THE PROGRAM.~~

~~(C) (1) THERE IS AN OUTPATIENT CIVIL COMMITMENT ADVISORY COMMITTEE.~~

~~(2) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:~~

~~(I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE;~~

~~(II) ONE REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH AUTHORITY PARTICIPATING IN THE PROGRAM;~~

~~(III) ONE REPRESENTATIVE OF THE STATE DESIGNATED PROTECTION AND ADVOCACY AGENCY;~~

~~(IV) ONE REPRESENTATIVE OF THE MENTAL HEALTH ASSOCIATION OF MARYLAND;~~

~~(V) ONE REPRESENTATIVE OF THE NATIONAL ALLIANCE ON MENTAL ILLNESS OF MARYLAND; AND~~

~~(VI) ONE REPRESENTATIVE OF THE OFFICE OF ADMINISTRATIVE HEARINGS.~~

~~(3) THE ADMINISTRATION SHALL APPOINT THE MEMBERS OF THE ADVISORY COMMITTEE LISTED IN PARAGRAPH (2)(I) THROUGH (VI) OF THIS SUBSECTION.~~

~~(4) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE ADVISORY COMMITTEE.~~

~~(5) (I) THE TERM OF AN APPOINTED MEMBER OF THE ADVISORY COMMITTEE IS 3 YEARS.~~

~~(II) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE ADVISORY COMMITTEE MEMBERS AS OF OCTOBER 1, 2019.~~

~~(III) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(6) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.~~

~~(7) A MEMBER OF THE ADVISORY COMMITTEE:~~

~~(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY COMMITTEE; BUT~~

~~(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(8) THE ADVISORY COMMITTEE SHALL REVIEW AND APPROVE ALL CHANGES TO THE PROGRAM, INCLUDING CHANGES TO FORMS AND REGULATIONS.~~

~~[(c)] (D)~~ If the Administration establishes a pilot program under subsection (a) of this section, on ~~ON~~ or before December 1 each year ~~[the pilot program is in existence]~~, the Administration shall submit to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, a report that includes, ~~FOR EACH LOCAL BEHAVIORAL HEALTH AUTHORITY PARTICIPATING IN THE PROGRAM:~~

(1) The number of individuals admitted into the ~~[pilot]~~ program during the immediately preceding 12-month period;

(2) The number of applications for admission into the ~~[pilot]~~ program submitted during the immediately preceding 12-month period;

(3) The cost of administering the ~~[pilot]~~ program for the immediately preceding 12-month period;

(4) **FOR INDIVIDUALS ADMITTED INTO THE PROGRAM VOLUNTARILY AND INVOLUNTARILY:**

(I) The percentage of individuals ~~[admitted into the pilot program]~~ who adhered to the treatment plan established for the individual under the ~~[pilot]~~ program;

~~[(5)] (II)~~ Treatment outcomes; AND

~~[(6)] (III)~~ The type, intensity, and frequency of services provided to individuals admitted into the ~~[pilot]~~ program; and

~~[(7)] (5)~~ Any other information that may be useful in determining whether ~~[a permanent]~~ ~~THE~~ outpatient civil commitment ~~[process]~~ **PROGRAM** should be ~~[established]~~ ~~CONTINUED~~.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Outpatient Civil Commitment Advisory Committee shall expire as follows:~~

~~(1) two members in 2021; and~~

~~(2) three members in 2022.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.