

Department of Legislative Services  
 Maryland General Assembly  
 2024 Session

FISCAL AND POLICY NOTE  
 Third Reader

Senate Bill 991  
 Finance

(Senator Lam)

Health and Government Operations

**Behavioral Health - Language Assistance Services Pilot Program**

This bill establishes the Language Assistance Services Pilot Program to (1) provide meaningful access to behavioral health care to children with limited English proficiency and (2) establish a competitive grant process for local behavioral health authorities (LBHAs) to provide reimbursement to behavioral health providers for language assistance services, as specified. By October 1, 2024, the Behavioral Health Administration (BHA) must adopt regulations to implement and administer the program, as specified. In fiscal 2025 and 2026, the Governor must include \$120,000 in the annual budget bill for the program. BHA must award at least three grants of \$30,000 in fiscal 2025 and 2026 and submit a specified report to the Governor and the General Assembly by December 1 in 2025 through 2027. **The bill takes effect July 1, 2024, and terminates June 30, 2028.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by an estimated \$201,100 in FY 2025, reflecting discretionary funding for the pilot program and personnel. Future years reflect ongoing administrative costs, the mandated appropriation in FY 2026, and termination of the position on December 31, 2026, as discussed below. Revenues are not affected. **This bill establishes a mandated appropriation for FY 2026.**

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	201,100	190,800	36,900	0	0
Net Effect	(\$201,100)	(\$190,800)	(\$36,900)	\$0	\$0

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

**Local Effect:** Revenues and expenditures for LBHAs increase to the extent that an LBHA receives grant funding under the program and expends those funds to reimburse for specified language assistance services.

**Small Business Effect:** Meaningful.

## Analysis

### Bill Summary:

#### *Language Assistance Services Pilot Program*

The program, administered by BHA in the Maryland Department of Health (MDH), must establish a competitive grant program for LBHAs to provide meaningful access to behavioral health care to children with limited English proficiency. LBHAs that receive grants under the program may provide reimbursement to behavioral health providers for language assistance services, including interpretation and translation services to (1) children with limited English proficiency accessing and receiving behavioral health services and (2) parents and legal guardians coordinating the provision of behavioral health services and making health care decisions regarding the services on behalf of a child.

#### *Regulations*

By October 1, 2024, BHA must establish regulations, including requirements that a grantee document and report (1) the number of children and parents/legal guardians who received language assistance services broken down by the primary language spoken and (2) reimbursed language assistance services broken down by the type of behavioral health service provided. The regulations must also require a health care provider seeking reimbursement from an LBHA to be a licensed and accredited behavioral health provider and have a current, written language access plan, as specified.

A language access plan demonstrating how the provider ensures meaningful access to its program and activities for individuals with limited English proficiency must be provided to the LBHA grantee along with any request for reimbursement for language assistance services. The language access plan must include:

- a self-assessment of the circumstances under which the provider may encounter an individual with limited English proficiency;
- a self-assessment of the number or proportion of individuals with limited English proficiency from each language group in the provider's service area to determine appropriate language assistance services;
- the provider's procedure for identifying an individual's primary language;
- the provider's procedure for providing language assistance services, as specified;
- the provider's procedure for ensuring effective communication with individuals with limited English proficiency in languages encountered less frequently;
- the provider's plan for training staff on the policies and procedures; and
- the provider's procedure for providing notice of language assistance services at no cost to individuals with limited English proficiency.

**Current Law:** Specified State departments, agencies, or programs, including MDH, must take reasonable steps to provide equal access to public services for individuals with limited English proficiency. Reasonable steps to provide equal access to public services includes:

- the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;
- the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area, as specified, and the provision of vital documents translated on a statewide basis to any local office as necessary; and
- any additional methods or means necessary to achieve equal access to public services.

**State Expenditures:** Although the bill seeks to establish a mandated appropriation for fiscal 2025 and 2026, funding is discretionary for fiscal 2025. Furthermore, this analysis assumes that additional general funds – beyond the \$120,000 provided for grants in fiscal 2025 and 2026 – are needed to cover administrative costs.

Thus, MDH general fund expenditures increase by \$201,079 in fiscal 2025, which accounts for the bill’s July 1, 2024 effective date. This estimate reflects the cost of hiring one contractual health policy analyst to adopt regulations, administer the grant program, and issue the annual report in 2025 and 2026 only. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Grant Awards	\$120,000
Salary and Fringe Benefits	73,553
Operating Expenses	<u>7,526</u>
<b>Total FY 2025 State Expenditures</b>	<b>\$201,079</b>

Future year expenditures reflect (1) a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses; (2) termination of mandatory funding after fiscal 2026; and (3) termination of the contractual position on December 31, 2026, following submission of the annual report on the second and final year of funding for the pilot program. While the bill requires a third annual report on the pilot program by December 1, 2027, this analysis assumes that there will be no additional funding on which to report and, thus, the report will not be submitted.

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.

**Small Business Effect:** A small business behavioral health provider benefits to the extent that it applies to an LBHA for specified reimbursement of language assistance services.

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### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Department of Budget and Management; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2024  
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