



Montgomery County

Office of Intergovernmental Relations

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HB 766

DATE: February 24, 2022

SPONSOR: Delegate Kaiser

ASSIGNED TO: Ways and Means

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POSITION: Informational (Department of Health and Human Services)

Children – Residential Treatment Centers – Education Funding

House Bill 766 would authorize a Local Behavioral Health Authority (LBHA), Core Service Agency (CSA), or local addictions authority to approve funding for a youth's educational costs incurred while admitted to a residential treatment center for medical or psychiatric treatment. Currently, these entities may only approve funding for non-educational costs incurred during admittance at a residential treatment center; the educational costs are approved by the local education agency.

This bill seeks to provide an alternative pathway for a youth to be admitted to a residential treatment center outside of the current process that requires some families to enter into a Voluntary Placement Agreement (VPA) with the State Department of Human Services (DHS). For the families and children whose circumstances House Bill 766 seeks to address, the child would not have received an Individualized Education Program (IEP) from their school indicating that a residential treatment center level of care is necessary. By permitting LHBAs, CSAs and local addictions authorities to authorize the education costs incurred during residential treatment, this bill as written appears to eliminate the need for involvement of a child's school and State's Department of Human Services case worker, putting the LHBAs, CSAs and addictions authorities in the position of evaluating a child's need for this intensive level of treatment potentially based on the recommendation of *only* the child's psychiatrist. This alternate path to accessing the residential treatment center level of care would increase inequity for youth with an IEP, whose global mental health issues impact their educational functioning and who have experienced years long, progressively restrictive educational placements before they are approved for admittance into a residential treatment center. It is important that House Bill 766 include an equitable process for psycho-educational and psychiatric evaluations to avoid this inequity.

The Montgomery County Department of Health and Human Services (MCDHHS) houses the County's LBHA and would be impacted by House Bill 766. The process created by this bill for a child to enter residential treatment places the LBHA in a position to approve an intensive treatment setting for a child without information and perspective from different sources other than the child's psychiatrist. Also, as written, the bill raises the questions of which entity is obligated to fund the educational costs if approved by an LBHA, CSA or local addictions authority and what is the funding source for those costs. MCDHHS believes the role and responsibilities of an LBHA, CSA and addictions authority in approving educational costs incurred in residential treatment centers should be further defined and provided for in the bill.

While MCDHHS is greatly sympathetic to the difficult circumstances this bill seeks to address, it is not clear that LHBAs are the appropriate entity to be responsible for approving a youth's educational costs incurred during admittance to a residential treatment center without the input and oversight currently provided by the local education agency and DHS. MCDHHS' LBHA does not provide direct services to residents and under House Bill 766 this would cause youth and families to lose the assessment, triage, ongoing support of treatment, reunification, and clinical case management functions currently provided by DHS. MCDHHS would be supportive of amendments to the bill to provide those supports through means other than the VPA process, but as written, those supports would be lost through the process provided for in the bill. We respectfully request the Committee to consider alternative means by which to address the challenges faced by families who are asked to enter VPAs in order to navigate their child's mental health treatment needs.