

SENATE BILL 988

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By: **Senator Lam**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Self-Directed Mental Health Services –**
3 **Pilot Program**

4 FOR the purpose of establishing the Self-Directed Mental Health Services Pilot Program
5 in the Maryland Department of Health to facilitate access to certain self-directed
6 services in the most integrated setting appropriate for certain recipients of services
7 under the Maryland Medical Assistance Program; and generally relating to the
8 Self-Directed Mental Health Services Pilot Program.

9 BY adding to

10 Article – Health – General

11 Section 15–1201 through 15–1207 to be under the new subtitle “Subtitle 12.
12 Self-Directed Mental Health Services Pilot Program”

13 Annotated Code of Maryland

14 (2023 Replacement Volume)

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

17 **Article – Health – General**

18 **SUBTITLE 12. SELF-DIRECTED MENTAL HEALTH SERVICES PILOT PROGRAM.**

19 **15–1201.**

20 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(B) (1) “INDIVIDUAL-DIRECTED GOODS AND SERVICES” MEANS**
23 **SERVICES, EQUIPMENT, ACTIVITIES, OR SUPPLIES FOR INDIVIDUALS WHO**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SELF-DIRECT SERVICES THAT:

2 (I) RELATE TO A NEED OR GOAL IDENTIFIED IN THE
3 PERSON-CENTERED PLAN OF SERVICE;

4 (II) MAINTAIN OR INCREASE INDEPENDENCE;

5 (III) PROMOTE OPPORTUNITIES FOR COMMUNITY LIVING AND
6 INCLUSION; AND

7 (IV) FACILITATE ACCESS TO CLINICALLY APPROPRIATE,
8 CULTURALLY RESPONSIVE, PERSON-CENTERED CARE.

9 (2) "INDIVIDUAL-DIRECTED GOODS AND SERVICES" INCLUDES ALL
10 GOODS OR SERVICES AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE
11 ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES
12 UNDER § 1915 OF THE SOCIAL SECURITY ACT.

13 (C) "PARTICIPANT" MEANS AN INDIVIDUAL SELECTED BY THE
14 DEPARTMENT UNDER § 15-1204(B) OF THIS SUBTITLE TO PARTICIPATE IN THE
15 PILOT PROGRAM.

16 (D) "PERSON-CENTERED PLAN OF SERVICE" MEANS A PLAN FOR SERVICES
17 AND SUPPORTS THAT:

18 (1) IS DEVELOPED WITH A FOCUS ON THE INDIVIDUAL HAVING
19 CONTROL OVER THE SERVICES AND SUPPORTS;

20 (2) ENSURES THAT THE INDIVIDUAL IS THE PRIMARY CONTRIBUTOR
21 TO THE PLAN AND MAY RECEIVE SUPPORT FROM OTHER PERSONS SELECTED BY THE
22 INDIVIDUAL IN DEVELOPING THE PLAN;

23 (3) IDENTIFIES AND ADDRESSES, TO THE EXTENT PRACTICABLE:

24 (I) THE INDIVIDUAL'S PREFERENCES AND INTERESTS
25 RELATED TO ACHIEVING THE INDIVIDUAL'S DESIRED LIFESTYLE;

26 (II) THE SUPPORTS REQUIRED TO ACHIEVE THE INDIVIDUAL'S
27 DESIRED LIFESTYLE THAT WILL BE PROVIDED IN A MANNER THAT ENABLES THE
28 INDIVIDUAL TO HAVE CONTROL OVER THE INDIVIDUAL'S DAILY LIFE AND
29 MAINTAINS THE INDIVIDUAL'S HEALTH AND WELFARE;

30 (III) THE SERVICES AND SUPPORTS REQUIRED TO PREVENT,

1 MITIGATE, AND MANAGE A MENTAL HEALTH, SUBSTANCE USE, OR SOMATIC HEALTH
2 CRISIS IN THE LEAST RESTRICTIVE SETTING APPROPRIATE TO AN INDIVIDUAL'S
3 NEEDS, INCLUDING PAYMENT FOR PEER RESPITE, IN-HOME RESPITE, OR OTHER
4 COMMUNITY-BASED CRISIS SERVICE; AND

5 (IV) THE SUPPORTS AND SERVICES AN INDIVIDUAL MAY NEED
6 TO SUPPORT THE INDIVIDUAL'S DECISION MAKING IN THE EVENT THE INDIVIDUAL
7 IS UNABLE TO MAKE OR COMMUNICATE THE INDIVIDUAL'S OWN DECISIONS DUE TO
8 DISABILITY, SUCH AS COMPLETION OF SUPPORTED DECISION-MAKING
9 AGREEMENTS, PSYCHIATRIC ADVANCED DIRECTIVES, AND IDENTIFICATION OF
10 NATURAL SUPPORTS; AND

11 (4) ALIGNS SERVICES AND SUPPORTS TO ENSURE THAT THE
12 INDIVIDUAL HAS ACCESS TO THE FULL BENEFITS OF COMMUNITY LIVING IN A
13 MANNER THAT EMPHASIZES THE INDIVIDUAL'S QUALITY OF LIFE, WELL-BEING, AND
14 INFORMED CHOICE.

15 (E) "PILOT PROGRAM" MEANS THE SELF-DIRECTED MENTAL HEALTH
16 SERVICES PILOT PROGRAM.

17 (F) (1) "SELF-DIRECTED SERVICES" MEANS SERVICES:

18 (I) OVER WHICH PARTICIPANTS OR THEIR REPRESENTATIVES
19 HAVE DECISION-MAKING AUTHORITY;

20 (II) FOR WHICH PARTICIPANTS OR THEIR REPRESENTATIVES
21 TAKE DIRECT RESPONSIBILITY FOR MANAGEMENT OF THE SERVICES WITH THE
22 ASSISTANCE OF AVAILABLE SUPPORTS CHOSEN BY THE PARTICIPANT OR THE
23 PARTICIPANT'S REPRESENTATIVE; AND

24 (III) THAT ARE PROVIDED IN A MANNER THAT:

25 1. FURTHERS THE RIGHT OF INDIVIDUALS TO MAKE
26 CHOICES ABOUT AND DIRECT ALL ASPECTS OF THEIR LIVES, INCLUDING BY
27 CHOOSING AND CONTROLLING THE DELIVERY OF MENTAL HEALTH AND
28 SUBSTANCE-RELATED SUPPORT SERVICES, WHO PROVIDES THE SERVICES, AND
29 HOW SERVICES ARE PROVIDED; AND

30 2. RECOGNIZES THAT ALL INDIVIDUALS HAVE THE
31 CAPACITY TO MAKE CHOICES AND MAY BE SUPPORTED IN MAKING CHOICES WHEN
32 GIVEN ADEQUATE SUPPORT.

33 (2) "SELF-DIRECTED SERVICES" INCLUDES SERVICES THAT:

1 (I) PROVIDE AN INDIVIDUAL WITH:

2 1. THE DECISION-MAKING AUTHORITY TO RECRUIT,
3 HIRE, TRAIN, SUPERVISE, AND DISMISS SERVICE PROVIDERS AND VENDORS WHO
4 PROVIDE THE INDIVIDUAL'S SERVICES; AND

5 2. AUTHORITY OVER HOW FUNDS IN AN INDIVIDUAL'S
6 SELF-DIRECTED SERVICES BUDGET ARE SPENT WITHIN THE TOTAL APPROVED
7 ANNUAL BUDGET;

8 (II) MAXIMIZE THE OPPORTUNITIES OF AN INDIVIDUAL TO LIVE
9 AS INDEPENDENTLY AS POSSIBLE IN THE MOST INCLUSIVE COMMUNITY-BASED
10 SETTING OF THE INDIVIDUAL'S CHOICE;

11 (III) EMPOWER AN INDIVIDUAL TO EXERCISE CHOICE AND
12 CONTROL OVER NEEDED SERVICES AND SUPPORTS; AND

13 (IV) HELP TO MAINTAIN AND IMPROVE THE INDIVIDUAL'S
14 HEALTH AND QUALITY OF LIFE IN THE INDIVIDUAL'S COMMUNITY.

15 (G) "SUPPORT BROKER" MEANS A PERSON WHO WORKS AT THE DIRECTION
16 OF AND FOR THE BENEFIT OF AN INDIVIDUAL WHO USES SELF-DIRECTED SERVICES,
17 INCLUDING BY ASSISTING THE INDIVIDUAL OR ANOTHER INDIVIDUAL CHOSEN BY
18 THE INDIVIDUAL WITH:

19 (1) MAKING INFORMED DECISIONS IN ARRANGING FOR, DIRECTING,
20 AND MANAGING SERVICES THE INDIVIDUAL RECEIVES, INCLUDING DECISIONS
21 RELATED TO PERSONNEL REQUIREMENTS AND RESOURCES NEEDED TO MEET THE
22 REQUIREMENTS;

23 (2) ACCESSING AND MANAGING IDENTIFIED SUPPORTS AND
24 SERVICES FOR THE INDIVIDUAL; AND

25 (3) PERFORMING OTHER TASKS AS ASSIGNED BY THE INDIVIDUAL
26 AND AS AUTHORIZED BY THE DEPARTMENT.

27 15-1202.

28 THERE IS A SELF-DIRECTED MENTAL HEALTH SERVICES PILOT PROGRAM
29 IN THE DEPARTMENT.

30 15-1203.

1 **THE PURPOSE OF THE PILOT PROGRAM IS TO FACILITATE ACCESS TO**
2 **CLINICALLY APPROPRIATE, PERSON-CENTERED, CULTURALLY RESPONSIVE, AND**
3 **TRAUMA-INFORMED SELF-DIRECTED SERVICES IN THE MOST INTEGRATED SETTING**
4 **APPROPRIATE TO AN INDIVIDUAL'S NEEDS.**

5 **15-1204.**

6 **(A) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.**

7 **(B) (1) THE DEPARTMENT SHALL IDENTIFY 100 ADULTS TO PARTICIPATE**
8 **IN THE PILOT PROGRAM:**

9 **(I) WHO ARE RECIPIENTS UNDER THE MARYLAND MEDICAL**
10 **ASSISTANCE PROGRAM; AND**

11 **(II) WHOSE BEHAVIORAL HEALTH NEEDS INDICATE THAT THE**
12 **INDIVIDUAL MAY BENEFIT FROM RECEIVING SELF-DIRECTED SERVICES.**

13 **(2) WHEN SELECTING INDIVIDUALS TO PARTICIPATE IN THE PILOT**
14 **PROGRAM, THE DEPARTMENT SHALL GIVE PRIORITY TO INDIVIDUALS:**

15 **(I) WHO HAVE BEEN EXCLUDED FROM OR UNSUCCESSFUL IN**
16 **ASSERTIVE COMMUNITY TREATMENT OR OTHER SERVICES OFFERED IN THE PUBLIC**
17 **BEHAVIORAL HEALTH SYSTEM;**

18 **(II) WITH MULTIPLE DISABILITIES;**

19 **(III) WITH SEVERE MENTAL ILLNESS WITH TRAUMA-RELATED**
20 **DISORDERS;**

21 **(IV) WHOSE CULTURAL NEEDS ARE UNSERVED IN THE PUBLIC**
22 **BEHAVIORAL HEALTH SYSTEM; OR**

23 **(V) AT RISK FOR INSTITUTIONALIZATION.**

24 **(C) THE PILOT PROGRAM SHALL BE OPERATIONAL FOR A 3-YEAR PERIOD.**

25 **(D) THE DEPARTMENT SHALL PROVIDE TO A PARTICIPANT:**

26 **(1) INDIVIDUAL-DIRECTED GOODS AND SERVICES IN AN AMOUNT**
27 **BASED ON THE AVAILABILITY OF FUNDS AND THE RECIPIENT'S NEEDS AS**
28 **CALCULATED ON AN ANNUAL BASIS, AND INCLUDED IN THE RECIPIENT'S**

1 PERSON-CENTERED PLAN OF SERVICES, INCLUDING REIMBURSEMENT FOR:

2 (I) CLINICAL MENTAL HEALTH SERVICES;

3 (II) MEDICATIONS AND MEDICATION CO-PAYS;

4 (III) AUXILIARY AIDS AND SERVICES;

5 (IV) TRANSPORTATION;

6 (V) VOCATIONAL TRAINING AND SUPPORTS;

7 (VI) TECHNOLOGY;

8 (VII) GOODS AND SERVICES NEEDED TO ASSIST WITH MEAL
9 PREPARATION;

10 (VIII) HOMEMAKER SERVICES;

11 (IX) TENANCY-SUSTAINING SUPPORTS, INCLUDING RENTAL
12 ASSISTANCE;

13 (X) COMMUNITY-BASED CRISIS SUPPORTS, INCLUDING PEER
14 RESPITE, IN-HOME RESPITE, AND PERSONAL ASSISTANCE SERVICES; AND

15 (XI) CARE COORDINATION, PEER SUPPORT, AND ADVOCACY
16 SERVICES;

17 (2) A SUPPORT BROKER TO HELP THE PARTICIPANT:

18 (I) CREATE A PERSON-CENTERED PLAN;

19 (II) IDENTIFY AND OBTAIN GOODS, SERVICES, AND SUPPORTS,
20 INCLUDING CASE MANAGEMENT AND FISCAL INTERMEDIARY SERVICES; AND

21 (III) OBTAIN PAYMENT FOR GOODS, SERVICES, AND SUPPORTS;

22 (3) SUPPORT BROKER SERVICES THAT ARE AUTHORIZED BY THE
23 STATE AND SELECTED BY THE PARTICIPANT;

24 (4) A BUDGET FOR SELF-DIRECTED SERVICES THAT PROVIDES THE
25 PARTICIPANT WITH THE ABILITY TO USE FUNDS FROM THE PARTICIPANT'S
26 APPROVED ANNUAL BUDGET FOR THE PURPOSE OF FUNDING ALL SERVICES NEEDED

1 TO CREATE, MANAGE, AND IMPLEMENT A PARTICIPANT'S PERSON-CENTERED PLAN;
2 AND

3 (5) FISCAL INTERMEDIARY AND ADMINISTRATIVE SUPPORT.

4 (E) THE DEPARTMENT MAY NOT DETERMINE HOW A PARTICIPANT'S
5 BUDGET IS USED WITH RESPECT TO GOODS AND SERVICES THAT ARE:

6 (1) RELATED TO THE PERSON-CENTERED PLAN; AND

7 (2) NECESSARY FOR THE HEALTH AND SAFETY OF THE PARTICIPANT.

8 (F) THE DEPARTMENT MAY NOT REQUIRE A PARTICIPANT TO
9 DEMONSTRATE COMPETENCY OR COMPLIANCE WITH MENTAL HEALTH TREATMENT
10 TO BE ELIGIBLE TO RECEIVE OR TO CONTINUE RECEIVING SELF-DIRECTED
11 SERVICES.

12 (G) THE DEPARTMENT, IN CONSULTATION WITH STAKEHOLDERS, SHALL
13 ESTABLISH AND PROVIDE TRAINING MATERIALS TO CORE SERVICE AGENCIES AND
14 COMMUNITY PROVIDERS SPECIFICALLY ADDRESSING THE SELF-DIRECTED
15 SERVICES MODEL OF SERVICES, INCLUDING ELIGIBILITY CRITERIA FOR
16 SELF-DIRECTED SERVICES, REFERRAL PROCEDURES, POLICIES, AND RESOURCES.

17 (H) AS PART OF THE PROCESS OF DEVELOPING A PERSON-CENTERED PLAN
18 OF SERVICE FOR A PARTICIPANT, A COORDINATOR OF COMMUNITY SERVICES SHALL
19 EDUCATE THE PARTICIPANT ON ALL MODELS OF SERVICE AVAILABLE TO THE
20 PARTICIPANT, INCLUDING SELF-DIRECTED SERVICES, TRADITIONAL SERVICES,
21 AND PROVIDER-MANAGED SERVICES, TO ASSIST THE PARTICIPANT IN MAKING AN
22 INFORMED CHOICE ON WHICH SERVICES THE PARTICIPANT WOULD LIKE TO
23 RECEIVE:

24 (1) WHEN THE PARTICIPANT BEGINS RECEIVING SERVICES FROM A
25 COORDINATOR OF COMMUNITY SERVICES; AND

26 (2) AT LEAST ONCE EACH YEAR THAT THE PARTICIPANT IS
27 RECEIVING SERVICES FROM A COORDINATOR OF COMMUNITY SERVICES.

28 (I) EACH COORDINATOR OF COMMUNITY SERVICES SHALL REPORT TO THE
29 DEPARTMENT, IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT, THAT
30 THE COORDINATOR PROVIDED INFORMATION ON SELF-DIRECTED SERVICES,
31 TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES TO AN INDIVIDUAL IN
32 ACCORDANCE WITH THIS SECTION.

1 **(J) THE DEPARTMENT SHALL:**

2 **(1) COLLECT OUTCOMES DATA ON PILOT PROGRAM PARTICIPANTS;**

3 **(2) COLLECT UTILIZATION DATA ON PILOT PROGRAM**
4 **PARTICIPANTS;**

5 **(3) ASSESS THE EFFICACY OF SELF-DIRECTED SERVICES RELATIVE**
6 **TO TRADITIONAL SERVICES USING A MATCHED PAIRS ANALYSIS;**

7 **(4) ASSESS THE COST OF EXPANDING SELF-DIRECTED SERVICES TO**
8 **ALL INDIVIDUALS ELIGIBLE FOR SERVICES THROUGH THE MARYLAND MEDICAL**
9 **ASSISTANCE PROGRAM; AND**

10 **(5) IDENTIFY THE FEASIBILITY OF OBTAINING A MEDICAID WAIVER**
11 **TO SUPPORT FURTHER IMPLEMENTATION OF SELF-DIRECTED MENTAL HEALTH**
12 **SERVICES IN THE STATE.**

13 **15-1205.**

14 **THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND**
15 **MEDICAID SERVICES FOR ANY DEMONSTRATION OR OTHER WAIVER OR AN**
16 **AMENDMENT TO A WAIVER OR THE STATE PLAN NECESSARY TO IMPLEMENT THE**
17 **PILOT PROGRAM.**

18 **15-1206.**

19 **FOR EACH OF FISCAL YEARS 2026 THROUGH 2028, THE GOVERNOR SHALL**
20 **INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$1,000,000 FOR THE**
21 **PILOT PROGRAM.**

22 **15-1207.**

23 **ON OR BEFORE NOVEMBER 1, 2028, THE DEPARTMENT SHALL REPORT TO**
24 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
25 **ARTICLE, THE GENERAL ASSEMBLY ON THE DEPARTMENT'S FINDINGS AND**
26 **RECOMMENDATIONS FROM THE PILOT PROGRAM.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2024. It shall remain effective for a period of 4 years and 9 months, at the end of**
29 **June 30, 2029, this Act, with no further action required by the General Assembly, shall be**
30 **abrogated and of no further force and effect.**