

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 212

(Chair, Finance Committee)(By Request - Departmental - Health)

Finance

Health and Government Operations

Behavioral Health Advisory Council and Commission on Behavioral Health Care Treatment and Access - Alterations

This departmental bill generally requires the Behavioral Health Advisory Council and the Commission on Behavioral Health Care Treatment and Access to work in conjunction with one another, as specified, including by (1) coordinating with one another on their annual reports and (2) meeting jointly at least three times per year at mutually determined times and places. The bill also alters the membership and terms of the council, alters the membership of the commission, and requires the commission to make specified recommendations regarding the integration of somatic and behavioral health services in Medicaid. **The bill takes effect July 1, 2024. Provisions related to the commission terminate June 30, 2027, subject to the taking effect of the commission’s termination provision under Section 8 of Chapters 290 and 291 of 2023.**

Fiscal Summary

State Effect: The bill’s requirements can be absorbed within existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not anticipated to affect local government operations or finances.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary/Current Law:

Behavioral Health Advisory Council

Chapter 328 of 2015 established the council to promote and advocate for the enhancement of behavioral health services across the State for individuals who have behavioral health disorders and their family members. The council must meet at least six times per year and submit an annual report by December 31 each year.

The bill requires that the council coordinate with the commission in submitting its annual report to the Governor and the General Assembly by December 31 each year. The bill also modifies the membership of the council and changes the length of the terms of its members appointed by the Governor from three to four years.

Commission on Behavioral Health Care Treatment and Access

Chapters 290 and 291 established the commission to make recommendations to provide appropriate, accessible, and comprehensive behavioral health services that are available on demand to individuals in the State across the behavioral health continuum.

Under the bill, the commission must additionally make recommendations (in coordination with the council) regarding Medicaid, including (1) the continuation of the State's behavioral health carve-out and (2) the financing structure and quality oversight necessary to integrate somatic and behavioral health services and ensure compliance with the federal Mental Health Parity and Addiction Equity Act. The commission, in coordination with the council, must report to the Governor and the General Assembly on its findings and recommendations regarding Medicaid by July 1, 2025. The bill also adds two members to the commission, specifically the Secretary of Aging (or their designee) and a representative of the Maryland State's Attorneys' Association.

The commission is statutorily mandated to establish particular workgroups that must meet at least twice per year and include members of the commission. The established workgroups may also include individuals invited by the commission to serve on the workgroup. By December 1 each year, the workgroups must report and make recommendations to the commission.

Under the bill, the established workgroups may also include individuals invited by the council. Beginning in 2024, workgroups must report and make recommendations to the council (in addition to the commission) by July 1 (rather than December 1).

The commission must meet at least three times annually and report its findings and recommendations by January 1 each year. The annual report must include funding and legislative recommendations that are consistent with providing appropriate, accessible, and comprehensive behavioral health services that are available on demand to individuals in the State across the behavioral health spectrum. Any legislative recommendations that require funding must also include an estimate of the funding required and information that supports the estimate.

Under the bill, the commission must meet *jointly with the council* at least three times per year as mutually determined. The commission must coordinate with the council in submitting its annual report to the Governor and the General Assembly by January 1 each year.

Innovation in Behavioral Health Model

Uncodified language in the bill expresses the intent of the General Assembly that MDH must (1) evaluate the Innovation in Behavioral Health Model announced by the federal Centers for Medicare and Medicaid Services (CMS) on January 18, 2024, and (2) consider applying to CMS to participate in the model.

Background:

Additional Recommendations Regarding Medicaid

MDH advises that the State currently carves out Medicaid financing of behavioral health services from its Medicaid managed care organizations (MCOs). However, according to an issue brief published in December 2021, by the Kaiser Family Foundation, behavioral health services are increasingly being integrated within Medicaid MCO contracts due to new federal policy options to address behavioral health issues in Medicaid. MDH further advises that there are both risks and benefits to integrating funding for behavioral health services within Medicaid, necessitating an assessment of how the State should proceed.

Commission on Behavioral Health Care Treatment and Access

The commission met twice during its inaugural year, first on November 9, 2023, and again on December 18, 2023. The commission's initial report was due January 1, 2024.

Behavioral Health Advisory Council

While the council did not meet in 2023, it has published a meeting schedule for 2024, which includes two meeting dates during the 2024 legislative session: January 16, and

March 19, 2024. The [2019 annual report](#), published on September 30, 2020, is the most recent from the council.

Additional Information

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

Designated Cross File: HB 1048 (Chair, Health and Government Operations Committee)(By Request - Departmental - Health) - Health and Government Operations.

Information Source(s): Governor's Office of Crime Prevention and Policy; University System of Maryland; Maryland Department of Health; Maryland Department of Labor; Kaiser Family Foundation; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2024
km/jc Third Reader - March 18, 2024
Revised - Amendment(s) - March 18, 2024
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Revised - Amendment(s) - April 17, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES
Maryland Department of Health
Session 2024

BILL TITLE: Behavioral Health Advisory Council and Commission on Behavioral Health Care Treatment and Access - Alterations

Bill Number SB 212

PREPARED BY:
(Program\Unit): Office of the Secretary

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

N/A