
By: Delegates Watson, Oaks, McHale, C. Mitchell, Kirk, Hammen, Exum, Hubbard, D. Davis, Morhaim, Fulton, Marriott, Elliott, Parker, Stull, Stup, and Nathan-Pulliam

Introduced and read first time: February 3, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 1997

CHAPTER _____

1 AN ACT concerning

2 **Mental Hygiene Administration - Core Service Agencies - Procedure**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish
 4 certain procedures within the Mental Hygiene Administration that give certain
 5 community mental health programs the right to ~~certain hearings and the right to~~
 6 ~~appeal certain decisions in a certain manner; requiring the Secretary to adopt~~
 7 ~~certain regulations~~ access a certain mediation process and the right to request a
 8 certain hearing under certain circumstances; and generally relating to certain
 9 procedures within the Mental Hygiene Administration.

10 BY repealing and reenacting, with amendments,

11 Article - Health - General

12 Section 10-1203

13 Annotated Code of Maryland

14 (1994 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 10-1203.

19 (a) To the extent resources are available, the Secretary, after consultation with
 20 the Maryland Advisory Council on Mental Hygiene as established in Subtitle 3 of this title
 21 and federal requirements mandated under P.L. 99-660, may initiate the development of

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1 core service agencies as a mechanism for community planning, management, and
2 financing of mental health services.

3 (b) When core service agencies are initiated, the Secretary shall:

4 (1) Define the priority populations to be served by the core service agencies,
5 with a special emphasis on the provision of services to the seriously mentally ill
6 populations;

7 (2) Define the essential mental health and associated support services to be
8 provided under the auspices of the core service agencies;

9 (3) Define the essential administrative functions to be carried out by core
10 service agencies; and

11 (4) Outline the requirements for the core service agencies' governance
12 structure.

13 (c) To assure the continuing provision of appropriate services, the Secretary shall:

14 (1) Annually review and may approve the core service agencies' program
15 plan;

16 (2) In conjunction with the appropriate authorities, establish and maintain a
17 funding mechanism for the core service agencies which may include the allocation of
18 funds for inpatient services;

19 (3) Develop a mechanism whereby any unexpended funds remaining at the
20 end of the year shall remain with the core service agencies or the community providers;

21 (4) Establish procedures to facilitate intraagency and interagency linkages
22 at State and local levels with the core service agencies; and

23 (5) Establish procedures within the Mental Hygiene Administration for a
24 process regarding program, policy, or contract [dispute] DISPUTES THAT GIVES ALL
25 COMMUNITY MENTAL HEALTH PROGRAMS REGULATED BY THE ADMINISTRATION
26 THE RIGHT TO:

27 ~~(I) A HEARING BEFORE THE DIRECTOR; AND~~

28 ~~(II) THE RIGHT TO APPEAL A DECISION OF THE DIRECTOR AS A~~
29 ~~CONTESTED CASE IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE~~
30 ~~GOVERNMENT ARTICLE.~~

31 (I) ACCESS THE MEDIATION PROCESS ESTABLISHED BY THE
32 ADMINISTRATION; AND

33 (II) IF DISSATISFIED WITH THE OUTCOME OF THE MEDIATION BY
34 THE ADMINISTRATION, REQUEST A HEARING WITH THE OFFICE OF
35 ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
36 STATE GOVERNMENT ARTICLE.

37 (d) The Secretary ~~may~~ **SHALL** adopt regulations to carry out the provisions of
38 this subtitle.

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1 (e) If a core service agency violates any provision of this subtitle, the Secretary
2 may deny approval of the core service agency and, after written notification of denial of
3 approval, cease funding or request the return of unspent funds by the core service agency.

4 (f) If a county elects to terminate its core service agency, the county may do so
5 upon 90 days' written notice to the Secretary.

6 (g) The Secretary may not require a core service agency to provide services the
7 Department does not provide funding for.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.