

(PRE-FILED)

HB 1356/96 - ENV

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**By: Chairman, Finance Committee (Departmental - Health and Mental Hygiene)**

Requested: October 16, 1996

Introduced and read first time: January 8, 1997

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 1997

Returned to second reading: March 21, 1997

Senate action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Mental Hygiene Law**

3 FOR the purpose of authorizing the Department of Health and Mental Hygiene to collect  
4 certain fees from a core service agency under certain circumstances; authorizing the  
5 Department to retain fees collected for the care and treatment of individuals in  
6 mental hygiene facilities; allowing the Department to use the fees to maintain and  
7 operate mental hygiene facilities; repealing the authority of the Director of the  
8 Mental Hygiene Administration to establish certain districts corresponding to the  
9 availability of State facilities and to appoint certain mental health directors; and  
10 generally relating to the mental hygiene law.

11 BY repealing and reenacting, with amendments,

12 Article - Health - General

13 Section 10-204, 10-309, and 16-204

14 Annotated Code of Maryland

15 (1994 Replacement Volume and 1996 Supplement)

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

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

2

1           **Article - Health - General**

2 10-204.

3           (a) The Director is responsible for carrying out the powers, duties, and  
4 responsibilities of the Administration.

5           (b) The Director is responsible for supervising the custody, care, and treatment of  
6 individuals who have mental disorders.

7           (c) (1) The Director shall:

8                           (i) Organize and manage the Administration in a manner that will  
9 enable it best to discharge its duties; and

10                           (ii) Appoint the number of assistant directors and staff provided in the  
11 State budget.

12           (2) The Director may remove an assistant director for incompetence or  
13 misconduct.

14           (3) Unless expressly provided otherwise by law, the Director may assign to  
15 any subordinate unit or individual in the Administration any function that is imposed by  
16 law on the Director.

17           (d) (1) The Director shall submit to the Governor and the Secretary an annual  
18 report on the activities of the Administration.

19                           (2) The report shall be in the form and contain the information that the  
20 Governor requires.

21           (e) The Director shall provide facilities for the care and treatment of individuals  
22 who have mental disorders.

23           [(f) (1) To best provide for the needs of individuals who have mental disorders,  
24 the Director shall:

25                           (i) Divide this State into districts that correspond to the availability of  
26 State facilities; and

27                           (ii) Appoint, for each district, a regional mental health director who  
28 shall:

29   1. Act as a deputy of the Director;

30   2. Coordinate the local mental health programs in the district;  
31 and

32   3. Represent the Director in carrying out the responsibilities of  
33 the Director for the mental health services and facilities of the district.

34           (2) The Director may change the limits of these districts as the Director  
35 considers necessary. The Director shall notify the governing body of each subdivision that  
36 a change affects.]

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1 [(g)] (F) (1) The Director shall establish programs for research and  
2 development of care and treatment for individuals who have mental disorders.

3 (2) The Director may provide money for a public or nonprofit organization  
4 to carry out pilot or demonstration projects.

5 [(h)] (G) The Director shall administer grants, gifts, trusts, and similar funds that  
6 are available for use by the Administration.

7 10-309.

8 (a) (1) The mental health advisory committee of each county shall consist of:

9 (i) As nonvoting ex officio members, the following individuals or their  
10 designees:

11 1. The health officer for the county;

12 [2. The appropriate regional mental health director;]

13 [3.] 2. A representative of a State inpatient facility that serves  
14 that county, appointed as provided in paragraph (2) of this subsection;

15 [4.] 3. The county mental health director;

16 [5.] 4. The director of the core service agency, if any; and

17 [6.] 5. In jurisdictions with designated State inpatient beds  
18 located in local general hospitals, a representative from that facility; and

19 (ii) As voting members, appointed by the governing body of the county  
20 and representative of the county's major socio-economic and ethnic groups:

21 1. At least 5, but not more than 7, representatives selected from  
22 among the following groups or agencies:

23 A. The governing body;

24 B. The county department of education;

25 C. The local department of social services;

26 D. The practicing physicians;

27 E. Mental health professionals who are not physicians;

28 F. The clergy;

29 G. The legal profession;

30 H. A local law enforcement agency;

31 I. A local general hospital that contains an inpatient psychiatric  
32 unit;

33 J. The Office on Aging;

4

1 K. The Department of Juvenile Justice;

2 L. The local alcohol and drug abuse agency; and

3 M. A local community rehabilitation or housing program; and

4 2. At least 5 individuals selected from among the following  
5 groups or organizations and appointed as provided in paragraph (3) of this subsection:

6 A. At least 2 individuals who are currently receiving or who have  
7 in the past received mental health services;

8 B. Parents or other relatives of adults with mental disorders;

9 C. Parents or other relatives of children or adolescents with  
10 emotional, behavioral, or mental disorders the onset of which occurred during childhood  
11 or adolescence;

12 D. The local mental health association, if any; and

13 E. A member of the general public.

14 (2) If more than one State inpatient facility serves a county, a representative  
15 from at least 1 of the facilities shall be appointed by the Director.

16 (3) At least one-half of the voting members shall be appointed from among  
17 the individuals listed in paragraph (1)(ii)2A through C of this subsection.

18 (b) If an intercounty advisory committee is established, the governing body of  
19 each participating county shall appoint at least 4 members of the committee.

20 (c) Notwithstanding subsection (a)(1)(ii) of this section, if the governing body of  
21 a county establishes a joint mental health and addictions advisory committee, the  
22 governing body may appoint any additional members as necessary to advise and advocate  
23 about addictions issues.

24 (d) (1) The term of an appointed member is 3 years and begins on July 1.

25 (2) The terms of one third of the appointed members of each county  
26 advisory committee or intercounty advisory committee end each year.

27 (3) At the end of a term, a member may continue to serve until a successor  
28 is appointed and qualifies.

29 (4) A member who is appointed after a term has begun serves only for the  
30 rest of the term and until a successor is appointed and qualifies.

31 (5) A member who serves 2 consecutive full 3-year terms may not be  
32 reappointed for 2 years after completion of those terms.

33 16-204.

34 (a) (1) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this  
35 section, all payments made under this subtitle for services provided through a facility or  
36 program of the Department shall be:

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1 (i) Made to and collected by the Department; and

2 (ii) Accounted for and paid into the General Fund of this State by the  
3 Department.

4 (2) If the Secretary has delegated to a political subdivision or grantee the  
5 collection of payments for services, the political subdivision or grantee shall collect and  
6 account for these payments in accordance with the rules and regulations of the  
7 Department.

8 (b) (1) The Department may collect fees from persons certified for Kidney  
9 Disease Program benefits prior to providing these benefits in accordance with Title 13,  
10 Subtitle 3 of this article. Any fee collected by the Department for kidney disease services  
11 may be kept by the Department only to maintain and operate the State Kidney Disease  
12 Program.

13 (2) Subject only to the limitations provided in Title 13, Subtitle 3 of this  
14 article and in the provisions of the State budget for the State Kidney Disease Program,  
15 the Department may require providers of services in State or privately operated kidney  
16 disease centers and providers of prescription drugs and other pharmaceutical products to  
17 seek all available third party reimbursement prior to billing the program.

18 (C) THE DEPARTMENT MAY COLLECT FEES FROM A CORE SERVICE AGENCY  
19 FOR THE COST OF TREATMENT OF INDIVIDUALS WHOM THE CORE SERVICE AGENCY  
20 AUTHORIZES AS ELIGIBLE FOR ADMISSION INTO A STATE FACILITY AS DESCRIBED  
21 IN TITLE 10, SUBTITLE 4 OF THIS ARTICLE. ANY SUCH FEES COLLECTED BY THE  
22 DEPARTMENT FOR THE ADMISSION AND TREATMENT OF INDIVIDUALS  
23 AUTHORIZED BY THE CORE SERVICE AGENCY SHALL BE KEPT BY THE DEPARTMENT  
24 TO BE USED TO MAINTAIN AND OPERATE THE RESPECTIVE STATE FACILITY.

25 [(c)] (D) (1) If a recipient of services dies, the Department may make a claim  
26 against the estate of the recipient for any unpaid fees established for that recipient.

27 (2) Except as provided in paragraph (4) of this subsection, a claim under  
28 this subsection may not include any fee for services provided more than 3 years before the  
29 recipient of services died.

30 (3) A claim made under this subsection is a preferred claim against the  
31 estate of a deceased recipient of services. The claim may be waived by the Department if,  
32 in its judgment, enforcement of the claim will cause substantial hardship to dependents of  
33 the deceased.

34 (4) If a responsible relative who is liable for the cost of care of the recipient  
35 of services has misrepresented assets or submitted fraudulent information and, by doing  
36 so, has avoided any part of the claim for the cost of care, there is no limitation on the time  
37 in which the claim may be brought against the estate.

38 [(d)] (E) (1) The Department may institute any proceedings that the  
39 Department considers necessary to require collection of the established but uncollected  
40 payments.

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1                   (2) The Central Collection Unit in the Department of Budget and  
2 Management shall handle those delinquent accounts and debts that the Department of  
3 Health and Mental Hygiene refers under § 3-202 of the State Finance and Procurement  
4 Article.

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