

CF 7r2285

By: Senator Young

Introduced and read first time: January 31, 1997

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 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
 22 core service agencies as a mechanism for community planning, management, and
 23 financing of mental health services.

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

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

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

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

8 (4) Outline the requirements for the core service agencies' governance
9 structure.

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

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

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

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

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

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

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

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

28 (I) ACCESS THE MEDIATION PROCESS ESTABLISHED BY THE
29 ADMINISTRATION; AND

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

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

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

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

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

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