

HOUSE BILL 1159

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HB 1197/99 - APP

2000 Regular Session
0lr1006

By: **Delegates Taylor, Edwards, and K. Kelly**
Introduced and read first time: February 11, 2000
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Health Services Funding - Salary Adjustment - Amount**

3 FOR the purpose of requiring that State funding of local health services be adjusted
4 for any salary adjustment for State employees, as determined in a certain
5 manner; and generally relating to local health services funding.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 2-302, 8-6A-01, and 10-902.1
9 Annotated Code of Maryland
10 (1994 Replacement Volume and 1999 Supplement)

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

13 **Article - Health - General**

14 2-302.

15 (a) The funding required in the State budget for local health services,
16 exclusive of special fund and federal appropriations, shall be at least the amount set
17 forth in subsection (b) of this section.

18 (b) The funding shall be:

19 (1) \$41.0 million for Fiscal Year 1997; and

20 (2) For Fiscal Year 1998 and each subsequent fiscal year, the amount of
21 funding for Fiscal Year 1997 adjusted for:

22 (i) Inflation, as measured by the Consumer Price Index - all urban
23 consumers for the second preceding fiscal year, calculated by the U.S. Department of
24 Commerce; [and]

25 (ii) Population growth, as measured by the growth in the total
26 population of the State of Maryland for the second preceding fiscal year, according to

1 the most recent statistics available through the Department of Health and Mental
2 Hygiene; AND

3 (III) IN ADDITION TO THE ADJUSTMENT UNDER ITEMS (I) AND (II) OF
4 THIS ITEM, THE SUM OF THE FOLLOWING:

5 1. IF THERE IS A GENERAL SALARY INCREASE FOR STATE
6 EMPLOYEES INCLUDED IN THE STATE BUDGET FOR A FISCAL YEAR, THE AMOUNT
7 ADJUSTED UNDER ITEMS (I) AND (II) OF THIS ITEM MULTIPLIED BY 80% TIMES THE
8 PERCENT OF THE GENERAL SALARY INCREASE.

9 2. IF THERE IS A COST OF LIVING ADJUSTMENT FOR STATE
10 EMPLOYEES INCLUDED IN THE STATE BUDGET FOR A FISCAL YEAR, THE AMOUNT
11 ADJUSTED UNDER ITEMS (I) AND (II) OF THIS ITEM MULTIPLIED BY 80% TIMES THE
12 PERCENT OF THE COST OF LIVING ADJUSTMENT; AND

13 3. IF THERE IS A SPECIAL SALARY ADJUSTMENT THAT
14 AFFECTS A STATE POSITION CLASSIFICATION OR CLASSIFICATION SERIES THAT IS
15 HISTORICALLY USED BY A LOCAL HEALTH DEPARTMENT, THE AMOUNT ADJUSTED
16 UNDER ITEMS (I) AND (II) OF THIS ITEM MULTIPLIED BY 80% TIMES 1%.

17 (c) (1) For Fiscal Year 1997, no subdivision may receive less State funding
18 for local health services under this section than that subdivision received in Fiscal
19 Year 1996.

20 (2) For Fiscal Year 1998 and each subsequent fiscal year, no subdivision
21 may receive less State funding for local health services under this section than that
22 subdivision received in Fiscal Year 1997.

23 (3) The Secretary shall, in consultation with local health department
24 directors, adopt regulations to guide the distribution of the funding required under
25 this section. The regulations shall give consideration to appropriate measures of
26 community health need, local funding effort, and other relevant factors.

27 8-6A-01.

28 (a) (1) In this subtitle the following words have the meanings indicated.

29 (2) "Alcohol abuse and drug abuse treatment program" has the meaning
30 stated in § 8-403(a) of this title.

31 (3) "Inmate" means a person detained in a State correctional facility.

32 (b) Except as otherwise provided in subsection (c) of this section, an inmate
33 who is determined by a physician licensed under § 14-301 of the Health Occupations
34 Article or a mental health professional who has a master's degree in a mental health
35 field and has expertise in the treatment of substance abuse to have an alcohol or drug
36 dependence shall be placed in an appropriate alcohol abuse and drug abuse treatment
37 program under the supervision of the physician or the mental health professional.

1 (c) (1) Any treatment prescribed for alcohol or drug dependence may not
2 commence until the inmate to be treated has consented in writing to the treatment.

3 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if an
4 inmate refuses to participate in the alcohol abuse and drug abuse treatment program
5 after the inmate has been determined under the requirements of subsection (b) of this
6 section to have an alcohol or drug dependence, the inmate shall be subject to any
7 sanctions that are imposed upon an inmate who refuses to participate in any
8 mandatory program.

9 (ii) Diminution credits which are subject to revocation for refusal to
10 participate in a mandatory program may only be revoked for the time period during
11 which an inmate refuses to participate in the alcohol and drug abuse treatment
12 program.

13 (3) An inmate's consent to treatment as required under paragraph (1) of
14 this subsection is valid even if a sanction may be imposed on the inmate if the inmate
15 refuses to participate in the treatment program.

16 (d) All procedures and standards relating to the determination of an alcohol or
17 drug dependence and the treatment of an inmate who has an alcohol or drug
18 dependence shall be subject to the regulations adopted by the Administration.

19 (e) The Administration shall adopt regulations to implement the provisions of
20 this section.

21 (f) The Governor shall provide funding in the annual budget for alcohol abuse
22 and drug abuse treatment programs under this section.

23 (G) THE SECRETARY SHALL MAKE PROVISIONS FOR STATE EMPLOYEE
24 SALARY AND FRINGE BENEFIT ADJUSTMENTS THAT RELATE TO GENERAL PAY
25 RAISES, COST OF LIVING ADJUSTMENTS, AND INCREMENTAL AND CLASSIFICATION
26 ADJUSTMENTS THAT AFFECT LOCAL HEALTH DEPARTMENT EMPLOYEES IN
27 COUNTIES THAT CONTINUE TO OPERATE ALCOHOL AND DRUG TREATMENT
28 PROGRAMS.

29 10-902.1.

30 (a) Notwithstanding any other law or regulation, the Secretary shall continue
31 from July 1, 1998 until June 30, 1999, the transition funding option that was in effect
32 for participating outpatient mental health clinics on July 1, 1997, as specified in the
33 Code of Maryland Regulations 10.21.25.01F.

34 (b) This section may not be construed to prohibit the Secretary from
35 increasing the rate of reimbursement under the transition funding option that was in
36 effect for outpatient mental health clinics on July 1, 1997, as specified in the Code of
37 Maryland Regulations 10.21.25.01F.

38 (C) THE SECRETARY SHALL MAKE PROVISIONS FOR STATE EMPLOYEE
39 SALARY AND FRINGE BENEFIT ADJUSTMENTS THAT RELATE TO GENERAL PAY

1 RAISES, COST OF LIVING ADJUSTMENTS, AND INCREMENTAL AND CLASSIFICATION
2 ADJUSTMENTS THAT AFFECT LOCAL HEALTH DEPARTMENT EMPLOYEES IN
3 COUNTIES THAT CONTINUE TO OPERATE COMMUNITY MENTAL HEALTH PROGRAMS.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2000.