

SENATE BILL 743

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2000 Regular Session
(01r1980)

ENROLLED BILL

-- Economic and Environmental Affairs and Budget and Taxation/Environmental Matters --

Introduced by **Senators Neall, Blount, Hollinger, Hoffman, Van Hollen,
Middleton, McCabe, Jacobs, Frosh, Collins, Sfikas, Conway, Dyson,
Kasemeyer, Munson, Hogan, Ruben, Currie, Pinsky, and Stoltzfus**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Substance Abuse Treatment Outcomes Partnership - S.T.O.P. Fund and**
3 **Council**

4 FOR the purpose of creating a Substance Abuse Treatment Outcomes Partnership
5 Fund; providing for the administration and funding of the Fund; ~~requiring the~~
6 ~~Governor to establish a Substance Abuse Treatment Outcomes Partnership~~
7 ~~Council; providing for the membership and staff of the Council;~~ providing for
8 applications and evaluations of requests for partnership funding; specifying that
9 participating jurisdictions are responsible for a certain proportion of costs, ~~not to~~
10 ~~exceed a certain amount; providing for a specified amount in the State budget~~
11 ~~for the Fund for certain fiscal years; with certain exceptions not to exceed a~~
12 ~~certain amount;~~ prohibiting participating counties from supplanting existing
13 levels of spending on drug treatment programs with Partnership funds and
14 providing that Partnership funds may be used only to supplement levels of
15 spending on drug treatment programs; authorizing the Department of Health

1 ~~and Mental Hygiene of Health and Mental Hygiene~~ to award Partnership
 2 ~~funding without a full match by a county or counties~~ after considering certain
 3 ~~factors~~; requiring the ~~Council~~ Department to adopt certain regulations and issue
 4 an annual report to the Governor and the General Assembly by a certain date;
 5 defining certain terms; ~~declaring the intent of the General Assembly~~; and
 6 generally relating to the Substance Abuse Treatment Outcomes Partnership
 7 Fund ~~and Council~~.

8 BY adding to
 9 Article - Health - General
 10 Section 8-6C-01 through 8-6C-04, inclusive, to be under the new subtitle
 11 "Subtitle 6C. The Substance Abuse Treatment Outcomes Partnership Fund
 12 ~~and Council~~"
 13 Annotated Code of Maryland
 14 (1994 Replacement Volume and 1999 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 **SUBTITLE 6C. THE SUBSTANCE ABUSE TREATMENT OUTCOMES PARTNERSHIP FUND**
 19 **~~AND COUNCIL~~**.

20 8-6C-01.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 22 INDICATED.

23 (B) "ELIGIBLE ~~TARGETED~~ POPULATION" INCLUDES:

- 24 (1) MOTHERS OF DRUG-ADDICTED INFANTS;
 25 (2) PARENTS OF CHILDREN IN NEED OF ASSISTANCE;
 26 (3) HOSPITAL EMERGENCY ROOM ADMITTEES;
 27 (4) NEEDY FAMILIES RECEIVING TEMPORARY CASH ASSISTANCE;
 28 (5) FOSTER CARE CHILDREN AND PARENTS;
 29 (6) CHILDREN IN AFTER-SCHOOL PROGRAMS AND THEIR PARENTS,
 30 INCLUDING CHILDREN AND PARENTS IN PROGRAMS SUPPORTED BY THE MARYLAND
 31 AFTER-SCHOOL OPPORTUNITY FUND;
 32 (7) ADOLESCENTS;
 33 (7) (8) PARENTS SUBJECT TO ARREARAGES IN CHILD SUPPORT
 34 PAYMENTS;

1 ~~(8)~~ (9) FIRST-TIME DRUG OFFENDERS, INCLUDING THOSE UNDER
 2 ~~ADJUDICATION BY MARYLAND'S COURTS~~ UNDER THE SUPERVISION OF THE DIVISION
 3 OF PAROLE AND PROBATION;

4 ~~(9)~~ (10) PRETRIAL CORRECTIONAL INMATES;

5 ~~(10)~~ (11) PRERELEASE CORRECTIONAL INMATES; ~~AND~~

6 ~~(11)~~ (12) THE GENERAL INMATE POPULATION WITHIN
 7 COUNTY-MANAGED CORRECTIONAL FACILITIES; AND

8 (13) PARENTS OF CHILDREN ENTERING OUT-OF-HOME PLACEMENTS OR
 9 AT RISK OF ENTERING OUT-OF-HOME PLACEMENTS.

10 (C) "PARTNERSHIP FUNDING" MEANS MONEY GRANTED FROM THE
 11 SUBSTANCE ABUSE TREATMENT OUTCOMES PARTNERSHIP FUND, ~~FOR PROPOSALS~~
 12 ~~APPROVED BY THE SUBSTANCE ABUSE TREATMENT OUTCOMES PARTNERSHIP~~
 13 ~~COUNCIL~~ TO MATCH LOCAL FUNDING.

14 (D) "PROPOSAL" MEANS A PLAN UNDER THIS SUBTITLE TO PROVIDE NEW OR
 15 EXPANDED SUBSTANCE ABUSE TREATMENT SERVICES ~~TO ONE OR MORE ELIGIBLE~~
 16 ~~TARGETED POPULATIONS.~~

17 (E) "REQUEST FOR PARTNERSHIP FUNDING" MEANS A PROPOSAL, SUBMITTED
 18 BY THE GOVERNING BODIES OF ONE OR MORE JURISDICTIONS, TO PROVIDE
 19 SUBSTANCE ABUSE TREATMENT SERVICES TO ONE OR MORE ELIGIBLE ~~TARGETED~~
 20 POPULATIONS WITHIN THE REQUESTING JURISDICTION OR JURISDICTIONS.

21 8-6C-02.

22 (A) THERE SHALL BE A SUBSTANCE ABUSE TREATMENT OUTCOMES
 23 PARTNERSHIP FUND, ESTABLISHED WITHIN THE DEPARTMENT OF HEALTH AND
 24 MENTAL HYGIENE.

25 (B) THE FUND SHALL BE ADMINISTERED ACCORDING TO THE SUBTITLE.

26 (C) (1) THE FUND SHALL RECEIVE MONEYS AS PROVIDED BY THE
 27 GOVERNOR ~~BY THE GOVERNOR~~ IN THE STATE BUDGET.

28 (2) THE FUND ALSO MAY ACCEPT FUNDS FROM LOCAL, NONPROFIT, OR
 29 PRIVATE ORGANIZATIONS.

30 8-6C-03.

31 ~~(A)~~ ~~(1)~~ ~~IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND~~
 32 ~~MENTAL HYGIENE AND LOCAL HEALTH OFFICERS, THE GOVERNOR SHALL~~
 33 ~~ESTABLISH A SUBSTANCE ABUSE TREATMENT OUTCOMES PARTNERSHIP COUNCIL.~~

34 ~~(2)~~ ~~THE MEMBERSHIP OF THE COUNCIL SHALL INCLUDE APPROPRIATE~~
 35 ~~UNITS OF STATE AND LOCAL GOVERNMENT WITH EXPERTISE IN COORDINATING AND~~
 36 ~~MANAGING SUBSTANCE ABUSE TREATMENT PROGRAMS.~~

1 ~~(B)~~ STAFF SUPPORT SHALL BE PROVIDED BY THE DEPARTMENT OF HEALTH
2 AND MENTAL HYGIENE.

3 ~~(C)~~ ON OR BEFORE NOVEMBER 1, 2000, THE GOVERNOR SHALL APPOINT THE
4 MEMBERSHIP AND DETERMINE THE MEMBERSHIP TERMS AND STRUCTURE FOR THE
5 COUNCIL.

6 ~~(D)~~ (A) THE ~~COUNCIL~~ DEPARTMENT SHALL ADOPT REGULATIONS TO:

7 (1) ESTABLISH TIMELINES AND PROCEDURES FOR REQUESTS FOR
8 PARTNERSHIP FUNDING, CONSISTENT WITH THIS SUBTITLE;

9 ~~(2)~~ ESTABLISH GUIDELINES TO ENSURE THAT PROPOSALS RECEIVING
10 PARTNERSHIP FUNDING DO NOT SERVE INDIVIDUALS WHO ARE SERVED BY
11 EXISTING TREATMENT PROGRAMS;

12 ~~(3)~~ (2) ESTABLISH GUIDELINES THAT REQUIRE PROGRAMS TO BILL
13 THIRD-PARTY INSURERS; AND

14 ~~(4)~~ (3) MANAGE THE FUND AND AUTHORIZE DISTRIBUTION OF MONEY
15 FROM THE FUND IN ACCORDANCE WITH THIS SUBTITLE.

16 ~~(E)~~ (B) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE ~~COUNCIL~~
17 DEPARTMENT SHALL ISSUE A REPORT TO THE GOVERNOR AND TO THE GENERAL
18 ASSEMBLY EVALUATING THE RESULTS OF FUNDED PARTNERSHIPS USING THE
19 PERFORMANCE AND OUTCOME INDICATORS ~~INCLUDED IN THE FUNDING REQUEST~~
20 ~~AND OTHER MEASUREMENTS THE COUNCIL DEEMS APPROPRIATE~~ ADOPTED BY THE
21 DEPARTMENT AND THE TASK FORCE TO STUDY INCREASING THE AVAILABILITY OF
22 SUBSTANCE ABUSE PROGRAMS.

23 8-6C-04.

24 (A) IN THIS SECTION, "COUNTY" INCLUDES BALTIMORE CITY.

25 ~~(B)~~ (A) A REQUEST FOR PARTNERSHIP FUNDING MAY BE SUBMITTED TO
26 THE ~~COUNCIL~~ DEPARTMENT BY:

27 ~~(1)~~ (1) (1) THE GOVERNING BODY OF A COUNTY; OR

28 ~~(2)~~ (1) (2) THE GOVERNING BODY OF MORE THAN ONE COUNTY
29 BODIES OF TWO OR MORE COUNTIES.

30 ~~(2)~~ (2) IF A REQUEST FOR PARTNERSHIP FUNDING IS SUBMITTED BY THE
31 GOVERNING BODIES OF TWO OR MORE COUNTIES, EACH OF THE PARTICIPATING
32 COUNTIES SHALL CONTRIBUTE TO THE LOCAL MATCH REQUIREMENT ESTABLISHED
33 UNDER SUBSECTION (F)(2) OF THIS SECTION BODY OF MORE THAN ONE COUNTY.

34 (C) A REQUEST FOR PARTNERSHIP FUNDING SHALL BE MADE IN
35 ACCORDANCE WITH A SCHEDULE AND FORMAT DETERMINED BY THE ~~COUNCIL~~

1 DEPARTMENT, IN CONSULTATION WITH THE TASK FORCE TO STUDY INCREASING
 2 THE AVAILABILITY OF SUBSTANCE ABUSE PROGRAMS.

3 (D) ~~(1)~~ IN A REQUEST FOR PARTNERSHIP FUNDING, THE APPLICANT OR
 4 APPLICANTS SHALL INCLUDE:

5 ~~(1)~~ ~~(1)~~ (1) A DESCRIPTION OF THE PROPOSAL;

6 ~~(2)~~ ~~(1)~~ (2) AN INDICATION OF THE ELIGIBLE ~~TARGETED~~ TARGETED
 7 POPULATION OR POPULATIONS THAT THE PROPOSAL WILL SERVE;

8 ~~(3)~~ ~~(1)~~ (3) A DESCRIPTION OF THE SERVICES TO BE PROVIDED
 9 UNDER THE PROPOSED NEW OR EXPANDED PROGRAM AND AN IDENTIFICATION OF
 10 THE LOCAL PROVIDERS ABLE TO PROVIDE THOSE SERVICES;

11 ~~(4)~~ ~~(1)~~ (4) A PLAN TO REACH THE TARGETED POPULATIONS USING
 12 RELEVANT MEANS OF CONTACT;

13 ~~(5)~~ ~~(1)~~ (5) PERFORMANCE AND OUTCOME INDICATORS TO
 14 EVALUATE THE PROGRAM EFFECTIVENESS, INCLUDING A DESCRIPTION OF THE
 15 EXPECTED SCHEDULE AND METHODS FOR MEASURING PERFORMANCE AND
 16 OUTCOME; AND

17 ~~(6)~~ ~~(1)~~ (6) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~
 18 ~~STATEMENT OF THE FUNDS THAT THE APPLICANT INTENDS TO OR APPLICANTS WILL~~
 19 ~~COMMIT TO THE PARTNERSHIP. A STATEMENT OF THE FUNDS THAT THE APPLICANT~~
 20 ~~INTENDS TO COMMIT.~~

21 ~~(2)~~ ~~IF A REQUEST FOR PARTNERSHIP FUNDING IS SUBMITTED BY THE~~
 22 ~~GOVERNING BODIES OF TWO OR MORE COUNTIES, THE REQUEST FOR PARTNERSHIP~~
 23 ~~FUNDING SHALL STATE THE AMOUNT OF FUNDS THAT EACH APPLICANT WILL~~
 24 ~~COMMIT TO THE PARTNERSHIP.~~

25 (E) IN EVALUATING A REQUEST FOR PARTNERSHIP FUNDING, THE ~~COUNCIL~~
 26 DEPARTMENT, IN CONSULTATION WITH THE TASK FORCE TO STUDY INCREASING
 27 THE AVAILABILITY OF SUBSTANCE ABUSE PROGRAMS, SHALL CONSIDER:

28 (1) THE PERFORMANCE AND OUTCOME INDICATORS SPECIFIED;

29 (2) THE DEGREE TO WHICH THE PROPOSAL MAY REDUCE THE NEED FOR
 30 OTHER STATE OR LOCAL PUBLIC SERVICES OR PROGRAMS INTENDED FOR THE
 31 POPULATIONS TARGETED BY THE PROPOSAL;

32 ~~(3)~~ ~~PRIOR CONTRIBUTIONS OF FUNDS FOR SUBSTANCE ABUSE~~
 33 ~~TREATMENT PROGRAMS BY A COUNTY OR COUNTIES REQUESTING PARTNERSHIP~~
 34 ~~FUNDING;~~

35 ~~(4)~~ (3) THE EXTENT TO WHICH THE PROPOSAL INCORPORATES THE
 36 USE OF EXCESS OR OTHERWISE AVAILABLE MEDICAL-RELATED FACILITIES,
 37 INCLUDING VACANT HOSPITAL BEDS;

1 ~~(5)~~ (4) HOW THE PROPOSAL FITS INTO A BALANCED APPROACH TO
 2 THE STATE'S VARIETY OF SUBSTANCE ABUSE NEEDS AND POPULATIONS THAT
 3 SERVES DIFFERENT GEOGRAPHIC AREAS OF THE STATE WITH PARTNERSHIP
 4 FUNDING; AND

5 ~~(6)~~ (5) THE EXTENT TO WHICH THE PROPOSAL IS PART OF OR
 6 CONSISTENT WITH A REGIONAL STRATEGY FOR SUBSTANCE ABUSE TREATMENT
 7 PROGRAMS AFFECTING ADJOINING JURISDICTIONS.

8 (F) (1) ~~THE COUNCIL~~ AFTER CONSULTING WITH THE TASK FORCE TO
 9 STUDY INCREASING THE AVAILABILITY OF SUBSTANCE ABUSE PROGRAMS, THE
 10 DEPARTMENT SHALL AWARD PARTNERSHIP FUNDING FOLLOWING THE
 11 CONSIDERATIONS IN THIS SECTION.

12 (2) (I) ~~A COUNTY~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
 13 THIS PARAGRAPH, THE COUNTY OR COUNTIES A COUNTY GRANTED FUNDING SHALL
 14 BE RESPONSIBLE FOR ~~NOT MORE THAN~~ ONE-HALF OF THE COST OF THE APPROVED
 15 PROGRAM PARTNERSHIP.

16 (II) THE DEPARTMENT MAY AWARD PARTNERSHIP FUNDING THAT
 17 RESULTS IN A COUNTY OR COUNTIES BEING RESPONSIBLE FOR LESS THAN
 18 ONE-HALF OF THE COST OF THE APPROVED PARTNERSHIP AFTER CONSIDERING:

19 1. THE FINANCIAL HARDSHIP OF THE PARTICIPATING
 20 COUNTY OR COUNTIES;

21 2. PRIOR CONTRIBUTIONS OF FUNDS FOR SUBSTANCE
 22 ABUSE TREATMENT PROGRAMS MADE BY THE PARTICIPATING COUNTY OR
 23 COUNTIES; OR

24 3. OTHER RELEVANT CONSIDERATIONS DEEMED
 25 APPROPRIATE BY THE DEPARTMENT.

26 (3) A PARTICIPATING COUNTY:

27 (I) MAY USE PARTNERSHIP FUNDS ONLY TO SUPPLEMENT LEVELS
 28 OF SPENDING BY THE PARTICIPATING COUNTY ON DRUG TREATMENT PROGRAMS;
 29 AND

30 (II) MAY NOT USE PARTNERSHIP FUNDS TO SUPPLANT SPENDING
 31 BY THE PARTICIPATING COUNTY ON DRUG TREATMENT PROGRAMS.

32 SECTION 2. AND BE IT FURTHER ENACTED, That ~~the Governor shall~~
 33 ~~include in the State budget for fiscal years 2002, 2003, and 2004 at least \$12.5 million~~
 34 ~~each year for the Substance Abuse Treatment Outcomes Partnership Fund~~
 35 ~~established under this Act, to be distributed and managed in accordance with this Act~~
 36 ~~the Department shall consult with the Statewide Task Force to Study Increasing the~~
 37 ~~Availability of the Substance Abuse Programs;~~

1 ~~(1) in determining a schedule and format for Partnership funding~~
2 ~~requests; and~~

3 ~~(2) when evaluating a request for Partnership funding, for the Substance~~
4 ~~Abuse Treatment Outcomes Partnership Fund established under this Act, the Governor~~
5 ~~shall include in the State budget the following amounts to be distributed and managed~~
6 ~~in accordance with this Act:~~

7 (1) \$4 million for fiscal year 2002;

8 (2) \$8 million for fiscal year 2003; and

9 (3) \$12 million for fiscal year 2004.

10 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
11 General Assembly that any funds directed to the Substance Abuse Treatment Outcomes
12 Partnership Fund created under this Act, whether from general funds, special funds,
13 or federal funds, be in addition to other appropriations for substance abuse treatment,
14 and may not supplant other State appropriations.

15 ~~SECTION 3- 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2000.