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By: **Delegates Nathan-Pulliam, Bobo, Branch, Brown, Burns, Dobson,  
Gladden, Harrison, Howard, A. Jones, Kirk, Marriott, McIntosh, Menes,  
Montague, Morhaim, Oaks, Paige, Phillips, Pitkin, Proctor, and Vallario**

Introduced and read first time: February 19, 2001

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Long-Term Residential Drug Treatment Pilot Program**

3 FOR the purpose of establishing a Long-Term Residential Drug Treatment Pilot  
4 Program in the Department of Health and Mental Hygiene as a program for  
5 treating certain substance abusers and dually diagnosed individuals in a  
6 residential setting using a certain multidisciplinary approach; requiring the  
7 Alcohol and Drug Abuse Administration to design and administer the Program;  
8 providing for the purposes, components, and treatment model of the Program;  
9 providing for the enrollment of clients from certain groups in certain proportions  
10 in the Program; authorizing the Administration, in consultation with the  
11 Division of Correction and the Division of Parole and Probation, to adopt certain  
12 regulations for the Program; establishing a Long-Term Residential Drug  
13 Treatment Trust Fund for certain purposes; requiring the Administration to  
14 study and report on certain matters to certain persons by a certain date each  
15 year; requiring the Governor to include certain funding for the Program in the  
16 State budget; declaring certain findings of the General Assembly; defining  
17 certain terms; requesting the Governor to include certain funding in the State  
18 budgets for certain fiscal years for certain purposes; providing for the effective  
19 date and termination of this Act; and generally relating to the Long-Term  
20 Residential Drug Treatment Pilot Program.

21 BY repealing and reenacting, without amendments,  
22 Article - Health - General  
23 Section 8-401(b), 8-402, and 8-507  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume)

26 BY adding to  
27 Article - Health - General  
28 Section 8-6D-01 through 8-6D-10 to be under the new subtitle "Subtitle 6D.  
29 Long-Term Residential Drug Treatment Pilot Program"  
30 Annotated Code of Maryland

1 (2000 Replacement Volume)

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

4 **Article - Health - General**

5 8-401.

6 (b) The Administration may:

7 (1) Develop pilot programs;

8 (2) For these purposes and notwithstanding any other law, establish,  
9 direct, and conduct any experimental pilot clinical program for the treatment of  
10 alcohol or drug abusers, including any program to administer, under medical  
11 supervision and control, maintenance dosages of prescribed drugs;

12 (3) Either alone or with other public or private agencies, direct and  
13 conduct basic research in alcohol or drug abuse, including clinical epidemiological,  
14 social science, and statistical research; and

15 (4) In cooperation with the Department of Public Safety and Correctional  
16 Services or any other appropriate correctional agency, establish and maintain, in any  
17 correctional institution in this State, programs for the prevention and treatment of  
18 alcohol and drug abuse and for the rehabilitation of alcohol and drug abusers.

19 8-402.

20 (a) The Administration shall:

21 (1) Plan and encourage development of, and coordinate the facilities and  
22 services that offer treatment, care, or rehabilitation for alcohol and drug abusers; and

23 (2) Adopt regulations:

24 (i) To set standards for treatment, care, and rehabilitation of  
25 alcohol and drug abusers; and

26 (ii) To ensure that before a facility is certified under this title to  
27 provide treatment, care, or rehabilitation of alcohol or drug abusers, an opportunity to  
28 comment, concerning whether the facility meets certification requirements, is  
29 provided to representatives of the county government and, if in a municipal  
30 corporation, the municipal government and to private citizens in the community  
31 where the facility is proposed to be located.

32 (b) The Administration may establish and operate or identify facilities and  
33 services, including evaluation facilities to determine if an individual is a drug abuser  
34 or alcohol abuser or dependent on drugs or alcohol.

1 (c) A facility that the Administration operates or contracts to be operated is a  
2 health facility and is not, for any purpose, a correctional institution.

3 (d) An individual may not be discriminated against based on an inability to  
4 pay for any services provided by the Administration either directly or by contract.

5 (e) To carry out the purposes of this title, the Administration may contract  
6 with any appropriate public or private agency that has proper and adequate  
7 treatment facilities, services, and staff.

8 (f) (1) The Administration shall evaluate the success and effectiveness of  
9 each alcohol abuse and drug abuse treatment program licensed or certified under this  
10 subtitle by performing outcome research studies on a representative sample of  
11 individuals who have received treatment under those programs to determine the  
12 extent to which the individuals:

13 (i) Have been successfully discharged from the treatment program;  
14 and

15 (ii) Have successfully controlled their alcohol and drug abuse  
16 problems after being discharged from the program.

17 (2) The Administration shall adopt any reasonable regulations necessary  
18 to permit the Administration to perform the outcome research studies required under  
19 paragraph (1) of this subsection.

20 (3) The outcome research studies shall be conducted in a manner to  
21 protect the confidentiality of the individual and in accordance with the provisions of  
22 Subtitle 6 of this title.

23 (4) The Administration shall establish an Alcohol and Drug Abuse  
24 Treatment Research Advisory Committee to:

25 (i) Develop the methodology necessary to conduct the outcome  
26 research studies; and

27 (ii) Advise the Administration on any reasonable regulations  
28 necessary to perform the outcome research studies in accordance with this subsection.  
29 8-507.

30 (a) If a court finds in a criminal case that a defendant has an alcohol or drug  
31 dependency, the court may commit the defendant as a condition of release, after  
32 conviction, or at any other time the defendant voluntarily agrees to treatment to the  
33 Department for inpatient, residential, or outpatient treatment.

34 (b) Before a court may commit a defendant to the Department for treatment,  
35 the court shall:

36 (1) Offer the defendant the opportunity to receive treatment; and

- 1           (2)     Obtain the written consent of the defendant:
- 2                   (i)     To receive treatment; and
- 3                   (ii)    For the reporting of information back to the court; and
- 4           (3)     Consult with the Administration.
- 5   (c)     The Department shall provide the services required by this section.
- 6   (d)     The Department shall engage in reasonable efforts to facilitate the  
7 admission of a defendant to the appropriate treatment facility.
- 8   (e)     Unless the court allows the defendant to provide the defendant's own  
9 transportation, on commitment or release of a defendant under this subtitle, the court  
10 shall order transportation by law enforcement officials, detention center staff, or  
11 sheriff's department staff within the local jurisdiction.
- 12   (f)     (1)     A defendant's withdrawal of consent to treatment shall be promptly  
13 reported to the court.
- 14           (2)     The defendant shall be returned to the court within 7 days for further  
15 proceedings.
- 16   (g)     A defendant who is committed for treatment under this section may  
17 question at any time the legality of the commitment by a petition for a writ of habeas  
18 corpus.
- 19   (h)     (1)     A commitment under this section shall be for at least 72 hours and  
20 not more than 1 year.
- 21           (2)     On good cause shown by the Administration, the court may extend  
22 the time period for providing the necessary treatment services in increments of 6  
23 months.
- 24           (3)     Except during the first 72 hours after commitment, the Director or a  
25 designee of the Director may terminate the commitment if the Director or the  
26 designee determines that:
- 27                   (i)     Continued commitment is not in the best interest of the  
28 individual; or
- 29                   (ii)    The individual is no longer amenable to treatment.
- 30   (i)     When an individual is to be released from a commitment under this  
31 section, the Director or the Director's designee shall consult with the court to  
32 determine if the individual is to be returned to the court.
- 33   (j)     In the event an individual committed under this section leaves a treatment  
34 facility without authorization, the responsibility of the Department is limited to the

1 notification of the court that committed the individual as soon as it is reasonably  
2 possible.

3 (k) Nothing in this section imposes any obligation on the Administration:

4 (1) To treat any defendant who knowingly and willfully declines to  
5 consent to further treatment; or

6 (2) In reporting to the court under this section, to include an assessment  
7 of a defendant's dangerousness to one's self, to another individual, or to the property  
8 of another individual by virtue of a drug or alcohol problem.

9 (l) Any time served by a criminal defendant held for evaluation or committed  
10 for treatment shall be credited against the sentence imposed by the court.

11 SUBTITLE 6D. LONG-TERM RESIDENTIAL DRUG TREATMENT PILOT PROGRAM.

12 8-6D-01.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.

15 (B) "FUND" MEANS THE LONG-TERM RESIDENTIAL DRUG TREATMENT TRUST  
16 FUND ESTABLISHED UNDER THIS SUBTITLE.

17 (C) "PROGRAM" MEANS THE LONG-TERM RESIDENTIAL DRUG TREATMENT  
18 PILOT PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

19 (D) "TREATMENT" MEANS TREATMENT THAT IS RECEIVED IN AN ALCOHOL  
20 ABUSE AND DRUG ABUSE TREATMENT PROGRAM, AS DEFINED IN § 8-403 OF THIS  
21 TITLE, THAT IS ADMINISTERED BY THE ADMINISTRATION AS PART OF THE PROGRAM.  
22 8-6D-02.

23 (A) THE GENERAL ASSEMBLY FINDS THAT:

24 (1) THE STATE RECOGNIZES THAT DRUG ABUSE IS A PUBLIC HEALTH  
25 PROBLEM, AND THAT DRUG ABUSE IS A DISEASE; AND

26 (2) DRUG TREATMENT WILL SAVE THE TAXPAYERS MONEY, AND WILL  
27 PROMOTE COMMUNITY SAFETY AND HEALTH.

28 (B) THE GENERAL ASSEMBLY SEEKS TO ESTABLISH, FOR ADDICTED CRIMINAL  
29 OFFENDERS, A FULLY FUNDED, COMPREHENSIVE, LONG-TERM RESIDENTIAL  
30 PROGRAM OF UP TO 1 YEAR WITH UP TO 6 MONTHS OF FOLLOWUP OUTPATIENT  
31 TREATMENT AND COMMUNITY SUPERVISION IN THE PROGRAM FOLLOWING  
32 RESIDENTIAL TREATMENT.

33 (C) THE GENERAL ASSEMBLY WISHES TO ENSURE THE USE OF A  
34 MULTIDISCIPLINARY TREATMENT APPROACH IN HANDLING DRUG ADDICTED

1 NONVIOLENT CRIMINAL OFFENDERS IN THE LONG-TERM RESIDENTIAL TREATMENT  
2 PROGRAM.

3 8-6D-03.

4 THERE IS A LONG-TERM RESIDENTIAL DRUG TREATMENT PILOT PROGRAM IN  
5 THE DEPARTMENT.

6 8-6D-04.

7 (A) THE ADMINISTRATION SHALL DESIGN AND ADMINISTER THE PROGRAM.

8 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE RESIDENTIAL  
9 TREATMENT OF UP TO 1 YEAR AND ADDITIONAL OUTPATIENT SUPPORT OF UP TO 6  
10 MONTHS, AS APPROPRIATE, USING A MULTIDISCIPLINARY TEAM TREATMENT  
11 MODEL, FOR INDIVIDUALS WHO ARE ADDICTED TO DRUGS OR DUALY DIAGNOSED  
12 AND WHO ARE NONVIOLENT OFFENDERS SUBJECT TO SANCTION IN THE CRIMINAL  
13 JUSTICE SYSTEM.

14 (C) THE PROGRAM IS INTENDED TO ADDRESS THE PHYSICAL, MENTAL, AND  
15 EDUCATIONAL NEEDS OF CLIENTS REFERRED TO IT THROUGH THE COURTS, THE  
16 DIVISION OF CORRECTION, OR THE DIVISION OF PAROLE AND PROBATION.

17 (D) AS A PILOT PROJECT, THE PROGRAM IS INTENDED TO ASSESS AND  
18 DEMONSTRATE THE BENEFITS OF LONG-TERM RESIDENTIAL TREATMENT IN A  
19 DEDICATED FACILITY WITH A MULTIDISCIPLINARY TEAM APPROACH IN ADDRESSING  
20 PROBLEMS OF RELAPSE INTO DRUG ABUSE AND MENTAL ILLNESS, AS WELL AS  
21 RECIDIVISM OF CRIMINAL ACTIVITY ASSOCIATED WITH DRUG ABUSE.

22 8-6D-05.

23 (A) THE PROGRAM SHALL PROVIDE COMPREHENSIVE SUBSTANCE ABUSE  
24 TREATMENT, SUPPORT SERVICES, AND SUPERVISION OF CLIENTS FOR UP TO 18  
25 MONTHS, INCLUDING:

26 (1) SUBSTANCE ABUSE TREATMENT;

27 (2) PSYCHIATRIC INTERVENTION;

28 (3) VOCATIONAL AND EDUCATIONAL REHABILITATION, INCLUDING  
29 SPECIFIC JOB SKILL TRAINING AND ENHANCEMENT; AND

30 (4) CASE MANAGEMENT.

31 (B) THE PROGRAM SHALL PROVIDE TREATMENT TO CLIENTS USING A  
32 MULTIDISCIPLINARY THERAPEUTIC APPROACH THAT COMPLIES WITH ESTABLISHED  
33 PROGRAM CERTIFICATION REQUIREMENTS OF THE DEPARTMENT, AND INCLUDES AT  
34 LEAST:

35 (1) A PHYSICIAN;

- 1 (2) A PSYCHIATRIST;
- 2 (3) A REGISTERED NURSE;
- 3 (4) A PSYCHOLOGIST;
- 4 (5) A NURSE PSYCHOTHERAPIST;
- 5 (6) A SOCIAL WORKER;
- 6 (7) AN EDUCATOR;
- 7 (8) THREE CERTIFIED ADDICTIONS COUNSELORS; AND
- 8 (9) SECURITY PERSONNEL.

9 8-6D-06.

10 (A) THE PROGRAM SEEKS TO ENROLL APPROXIMATELY 50 ADULT CLIENTS  
11 EACH YEAR, REFERRED UNDER § 8-507 OF THIS TITLE OR OTHERWISE, IN THE  
12 FOLLOWING PROPORTIONS:

13 (1) ONE-THIRD NONVIOLENT OFFENDERS WHO ARE CURRENTLY  
14 INCARCERATED IN A STATE CORRECTIONAL FACILITY AND WHO ARE FOUND TO BE  
15 ELIGIBLE FOR RESIDENTIAL ADDICTIONS TREATMENT;

16 (2) ONE-THIRD PRETRIAL NONVIOLENT OFFENDERS WHO ARE  
17 ELIGIBLE FOR RESIDENTIAL ADDICTIONS TREATMENT INSTEAD OF INCARCERATION;  
18 AND

19 (3) ONE-THIRD OTHER NONVIOLENT INDIVIDUALS WHO HAVE FAILED  
20 THE DRUG COURT SYSTEM.

21 (B) A PORTION OF THE CLIENTS ADMITTED TO THE PROGRAM SHALL BE  
22 DUALY DIAGNOSED, REQUIRING BOTH TREATMENT FOR DRUG ADDICTION AND  
23 MENTAL HEALTH SERVICES.

24 (C) THE PROGRAM SHALL ACCEPT CLIENTS ON A FIRST-COME, FIRST-SERVED  
25 BASIS, SUBJECT TO SCREENING FOR COMPATIBILITY WITH THE PROGRAM.

26 8-6D-07.

27 (A) THERE IS A LONG-TERM RESIDENTIAL DRUG TREATMENT TRUST FUND.

28 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §  
29 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

30 (C) THE PURPOSE OF THE FUND IS TO PROVIDE CAPITAL AND OPERATING  
31 RESOURCES FOR THE PROGRAM.

32 (D) THE FUND CONSISTS OF:

1 (1) MONEYS APPROPRIATED EACH YEAR FROM THE GENERAL FUND OF  
2 THE STATE FOR USE BY THE PROGRAM; AND

3 (2) OTHER FUNDS THAT THE FUND MAY RECEIVE FROM FEDERAL,  
4 PUBLIC, OR PRIVATE SOURCES.

5 (E) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE MONEY  
6 OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED  
7 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH  
8 THE ADMINISTRATION.

9 (F) THE ADMINISTRATION MAY DISBURSE MONEYS FROM THE FUND FOR:

10 (1) DRUG TREATMENT PROGRAMS;

11 (2) EDUCATION, INCLUDING VOCATIONAL AND LITERACY TRAINING;

12 (3) FAMILY COUNSELING; AND

13 (4) COURT COSTS AND MONITORING EXPENSES AND ADMINISTRATIVE  
14 COSTS ASSOCIATED WITH THE PROGRAM, INCLUDING EXPENSES OF THE  
15 ADMINISTRATION, THE DIVISION OF PAROLE AND PROBATION, AND THE DIVISION OF  
16 CORRECTION.

17 8-6D-08.

18 THE ADMINISTRATION, IN CONJUNCTION WITH THE DIVISION OF CORRECTION,  
19 AND THE DIVISION OF PAROLE AND PROBATION, MAY ADOPT REGULATIONS TO  
20 IMPLEMENT THE PROGRAM UNDER THIS SUBTITLE.

21 8-6D-09.

22 (A) IN CONJUNCTION WITH THE DIVISION OF CORRECTION AND THE DIVISION  
23 OF PAROLE AND PROBATION, THE ADMINISTRATION SHALL:

24 (1) STUDY THE EFFECTIVENESS OF THE PROGRAM IN RELATION TO  
25 CLIENT TREATMENT FOR SUBSTANCE ABUSE AND MENTAL ILLNESS, AND THE  
26 INCIDENCE OF RELAPSE OF THESE MEDICAL CONDITIONS AND OF RECIDIVISM FOR  
27 DRUG OFFENSES IN PROGRAM CLIENTS;

28 (2) STUDY THE FINANCIAL IMPACT OF THE PROGRAM;

29 (3) EVALUATE THE IMPLEMENTATION OF THE PROGRAM;

30 (4) REVIEW THE IMPACT OF THE PROGRAM ON INCARCERATION COSTS  
31 FOR CLIENTS COMPARED WITH OTHERS WHO ARE PLACED IN THE CRIMINAL  
32 JUSTICE SYSTEM;

33 (5) REVIEW THE ADEQUACY OF PROGRAM FUNDING;

1 (6) INVESTIGATE OTHER PROGRAM IMPACTS AND ISSUES THE  
2 ADMINISTRATION CONSIDERS APPROPRIATE; AND

3 (7) DEVELOP APPROPRIATE RECOMMENDATIONS FOR IMPROVEMENTS  
4 TO THE PROGRAM.

5 (B) BEGINNING JANUARY 1, 2003, AND EACH JANUARY 1 THEREAFTER, THE  
6 ADMINISTRATION SHALL REPORT THE FINDINGS OF ITS STUDIES AND  
7 RECOMMENDATIONS UNDER THIS SECTION TO THE GOVERNOR AND, SUBJECT TO §  
8 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

9 8-6D-10.

10 THE GOVERNOR SHALL PROVIDE FUNDING FOR THE PROGRAM IN THE STATE  
11 BUDGET.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor is  
13 requested to include in the State budget for fiscal years 2003 and 2004 a sufficient  
14 amount to identify, acquire or transfer, and rehabilitate a facility suitable for use by  
15 the Long-Term Residential Drug Treatment Pilot Program as a residential treatment  
16 facility for clients, including suitable treatment space, housing, security, and  
17 administration. The Program facility should be ready to accept its first clients no  
18 later than January 1, 2003. The Governor is further requested to provide sufficient  
19 funding in each of the fiscal years 2003 through 2009 for the operation and  
20 administration of the Program at the residential treatment facility and associated  
21 screening, referral, and security services for Program clients in the State courts, the  
22 Division of Correction, and the Division of Parole and Probation.

23 SECTION 3. AND BE IT FURTHER ENACTED, That any funds remaining in  
24 the Long-Term Residential Drug Treatment Trust Fund established under this Act at  
25 the end of December 31, 2008 shall revert to the General Fund.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2001. It shall remain effective for a period of 7 years and 6 months and, at the  
28 end of December 31, 2008, with no further action required by the General Assembly,  
29 this Act shall be abrogated and of no further force and effect.