

SENATE BILL 296

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2002 Regular Session
2r1390
CF 2r1077

By: **Senators Kelley, Dorman, Hogan, Kasemeyer, Lawlah, Middleton, and Teitelbaum**

Introduced and read first time: January 24, 2002

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2002

CHAPTER _____

1 AN ACT concerning

2 **Mental Hygiene Administration - Office of Administrative Hearings -**
3 **Procedure**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to
5 ~~establish certain procedures within the Mental Hygiene Administration that~~
6 ~~give~~ adopt certain regulations within the Mental Hygiene Administration to
7 establish a dispute resolution process for certain community mental health
8 programs; providing that certain community mental health programs have the
9 right to access a certain mediation process and the right to request a certain
10 hearing under certain circumstances; and generally relating to certain
11 procedures within the Mental Hygiene Administration.

12 BY adding to
13 Article - Health - General
14 Section 10-906
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

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

19 **Article - Health - General**

20 10-906.

21 ~~THE SECRETARY SHALL ESTABLISH PROCEDURES WITHIN THE~~
22 ~~ADMINISTRATION FOR A PROCESS REGARDING PROGRAM, POLICY, OR CONTRACT~~

~~1 DISPUTES WITH THE ADMINISTRATION THAT GIVES ALL COMMUNITY MENTAL
2 HEALTH PROGRAMS REGULATED BY THE ADMINISTRATION THE RIGHT TO:~~

~~3 (1) ACCESS THE MEDIATION PROCESS ESTABLISHED BY THE
4 ADMINISTRATION; AND~~

~~5 (2) IF DISSATISFIED WITH THE OUTCOME OF THE MEDIATION BY THE
6 ADMINISTRATION, REQUEST A HEARING WITH THE OFFICE OF ADMINISTRATIVE
7 HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
8 ARTICLE.~~

9 (A) THE SECRETARY SHALL ADOPT REGULATIONS WITHIN THE
10 ADMINISTRATION FOR A DISPUTE RESOLUTION PROCESS INVOLVING COMMUNITY
11 MENTAL HEALTH:

12 (1) CONTRACTS;

13 (2) PROGRAMS; AND

14 (3) POLICY DECISIONS AFFECTING APPLICABLE LAWS AND
15 REGULATIONS.

16 (B) COMMUNITY MENTAL HEALTH PROGRAMS REGULATED BY THE
17 ADMINISTRATION SHALL:

18 (1) HAVE THE RIGHT TO ACCESS THE MEDIATION PROCESS
19 ESTABLISHED BY THE ADMINISTRATION; AND

20 (2) IF DISSATISFIED WITH THE OUTCOME OF THE MEDIATION BY THE
21 ADMINISTRATION:

22 (I) PURSUE APPROPRIATE REMEDIES AS SET FORTH IN THE STATE
23 FINANCE AND PROCUREMENT ARTICLE FOR ISSUES INVOLVING CONTRACT
24 DISPUTES; OR

25 (II) REQUEST A HEARING WITH THE OFFICE OF ADMINISTRATIVE
26 HEARINGS FOR ISSUES AFFECTING DECISIONS MADE BY THE ADMINISTRATION
27 THAT:

28 1. DO NOT COMPLY WITH APPLICABLE LAWS AND
29 REGULATIONS; OR

30 2. AFFECT LEGAL RIGHTS OR INVOLVE LEGAL ISSUES AS
31 PROVIDED IN § 10-202(D)(1)(I) OF THE STATE GOVERNMENT ARTICLE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2002.

