

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 296

(Senator Kelley, *et al.*)

Finance

Environmental Matters

Mental Hygiene Administration - Office of Administrative Hearings - Procedure

This bill gives community mental health programs regulated by the Department of Health and Mental Hygiene's (DHMH) Mental Hygiene Administration (MHA) the right to mediation for program, policy, or contract disputes with MHA. If dissatisfied with the outcome of the mediation, a program has the right to request a hearing before the Office of Administrative Hearings (OAH) for disputes affecting legal rights or issues and to pursue remedies at the Board of Contract Appeals for contract disputes. The Secretary of Health and Mental Hygiene must establish the mediation process by regulation.

Fiscal Summary

State Effect: Because the mediation and appeal process is already in place, it is expected that MHA could handle the bill's requirements with existing budgeted resources. The number of additional mediations and hearings prompted by the bill is not expected to be significant. OAH could handle any additional hearings with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Background: There are approximately 150 community mental health programs operating within the State that are regulated by MHA. Core service agencies are county or multicounty authorities responsible for planning, managing, and monitoring publicly funded mental health services.

Current Law: Section 10-1203 of the Health-General Article requires the Secretary of the Department of Health and Mental Hygiene to establish procedures for a process regarding program, policy, or contract disputes that gives all community mental health programs regulated by MHA the right to access the mediation process established by MHA and request a hearing before OAH if dissatisfied with the outcome of the mediation.

OAH recently ruled that these mediation and appeal rights only extend to disputes with core services agencies.

Additional Information

Prior Introductions: None.

Cross File: HB 242 (Delegate Klausmeier) – Environmental Matters.

Information Source(s): Office of Administrative Hearings; Department of Health and Mental Hygiene; The Community Behavioral Health Association of Maryland, Inc; Department of Legislative Services

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Analysis by: Lisa A. Daigle

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510