

HOUSE BILL 1073

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2004 Regular Session
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CF 4r2590

By: **Delegates Rosenberg and Hubbard**
Introduced and read first time: February 13, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Community-Based Mental Health Services - Funding**

3 FOR the purpose of requiring the Governor to include in the annual State budget bill
4 a certain appropriation for community-based mental health services; requiring
5 funding for community-based mental health services to be used in a certain
6 manner; and generally relating to funding for community-based mental health
7 services.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 10-207
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 Preamble

14 WHEREAS, The Mission of the Maryland Mental Hygiene Administration is to
15 create and manage a coordinated, comprehensive, accessible, culturally sensitive, and
16 age appropriate system of publicly funded services and supports for individuals who
17 are diagnosed with a psychiatric disorder; and

18 WHEREAS, One of the stated values of the Mental Hygiene Administration is
19 that, "services should be provided in the least restrictive, most normative, and most
20 appropriate setting"; and

21 WHEREAS, The Supreme Court held in *Olmstead v. L.C.* that, "under Title II of
22 the Americans With Disabilities Act, States are required to provide community-based
23 treatment for persons with mental disabilities in community settings when the
24 State's treatment professionals have determined that such placement is appropriate,
25 the affected persons do not oppose such treatment, and the placement can be
26 reasonably accommodated, taking into account the resources available to the State";
27 and

28 WHEREAS, The Department of Health and Mental Hygiene's October 2003
29 Report to the Joint Chairmen of the Budget Committees on Maryland's Public Mental

1 Health System on Restructuring the System of Hospital Care concluded that the
2 State may consolidate its three existing regional psychiatric hospitals in central
3 Maryland to two hospitals while continuing to meet the needs of individuals
4 diagnosed with a psychiatric disorder; and

5 WHEREAS, To ensure that Maryland meets its obligation to provide treatment
6 for persons with mental disabilities in community settings where appropriate, the
7 operating savings of \$10 million associated with the pending consolidation of
8 Crownsville Hospital Center needs to be allocated to provide community services to
9 prevent the unnecessary use of costly hospital care and to promote independence and
10 recovery; now, therefore,

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 10-207.

15 (a) By January 1, 1992, within existing resources, the Director shall update
16 the current Mental Hygiene Administration 3-year plan for mental health, which was
17 submitted to the federal government in response to § 1925 of the Public Health
18 Service Act, in order to plan for those individuals who:

19 (1) Have a serious mental disorder as defined in the plan; and

20 (2) Are not receiving the appropriate array of community-based services
21 described in the "total need" section of the 3-year mental health plan that expired on
22 June 30, 1991.

23 (b) (1) By October 1, 1993, within existing resources and in concert with
24 local core service agencies, the Director shall prepare a comprehensive mental health
25 plan which identifies the needs of all individuals who have a serious mental disorder
26 and who are targeted for services in the "Comprehensive Mental Health Services
27 Plan" submitted by the State to the federal government in accordance with § 1925 of
28 the Public Health Service Act.

29 (2) The comprehensive mental health plan shall:

30 (i) Include annual strategic projections, through the year 2000, of
31 resources needed;

32 (ii) Plan for those individuals who have a serious mental disorder,
33 including those who are presently not being served by the public mental health
34 system, those who are homeless, and those children, adults, and elderly individuals
35 living without services in the community with their families or on their own who are
36 at risk of further institutionalization;

37 (iii) Plan for individuals who have a serious mental disorder and
38 who are presently residing in a State facility, nursing home, or jail who could

1 appropriately be served in the community if the proper community-based services
2 were available to them;

3 (iv) Plan for individuals who have a serious mental disorder and
4 who are unable or unwilling to obtain community-based services from existing
5 State-supported programs or from the private sector and assess their need for
6 additional, flexible, individualized, or otherwise more appropriate services;

7 (v) Plan for the extent of need for the development of additional
8 community-based housing and related support services;

9 (vi) Plan for the extent of the need for additional community-based
10 support services, including rehabilitation, clinical treatment, case management, crisis
11 and emergency services, mobile treatment, in-home intervention services,
12 school-based, after-school services, respite and family support services, and
13 vocational services in order to implement the orderly transfer of institutionalized
14 individuals who can live in the community and to serve those individuals presently in
15 the community who are now underserved or unserved and at risk of
16 institutionalization;

17 (vii) Evaluate the role of existing State hospitals and plan for the
18 reallocation to the community of any funds saved through hospital downsizing,
19 consolidation, or closure; and

20 (viii) Be consistent with the goal of providing comprehensive,
21 coordinated community-based housing and support services for every individual who
22 has a serious mental disorder and who is appropriate for and in need of such services.

23 (c) The Director, within existing resources, shall submit each plan and any
24 updates to the Governor and, as provided in § 2-1246 of the State Government
25 Article, to the General Assembly.

26 (d) The Director shall, in concert with local core service agencies, implement
27 each plan to the extent that resources are available.

28 (E) BEGINNING IN FISCAL YEAR 2006 AND IN EACH FISCAL YEAR
29 THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET BILL
30 A GENERAL FUND APPROPRIATION OF AT LEAST \$10,000,000 TO PROVIDE
31 COMMUNITY-BASED MENTAL HEALTH SERVICES IN THE STATE.

32 (F) THE FUNDING REQUIRED BY SUBSECTION (E) OF THIS SECTION:

33 (1) MAY NOT SUPPLANT RESOURCES FOR EXISTING COMMUNITY
34 SERVICES; AND

35 (2) SHALL BE USED TO PROVIDE:

36 (I) COMMUNITY MENTAL HEALTH SERVICES DESIGNED TO
37 PROMOTE RECOVERY AND COMMUNITY INTEGRATION, INCLUDING DEVELOPMENT

1 OF THE MARYLAND MENTAL HEALTH CRISIS RESPONSE SYSTEM ESTABLISHED IN
2 SUBTITLE 14 OF THIS TITLE; AND

3 (II) AFFORDABLE HOUSING AND EMPLOYMENT OPPORTUNITIES
4 FOR INDIVIDUALS WITH MENTAL ILLNESS.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2004.