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2004 Regular Session 4lr2319 CF 4lr1392

By: Senators Kelley, Britt, and Teitelbaum Introduced and read first time: February 6, 2004

Assigned to: Finance

A BILL ENTITLED

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2 Mental Hygiene Administration - Community-Based Services Fund - Scope

- 3 FOR the purpose of clarifying the purpose of the Community-Based Services Fund in
- the Mental Hygiene Administration; requiring that certain Mental Hygiene 4
- 5 Administration property be sold under certain circumstances; requiring the
- 6 funds from the sale of certain property to be used in a certain manner; repealing
- 7 a certain method for calculating the funding for the Fund; requiring the Mental
- 8 Hygiene Administration to develop a plan to spend certain funds in consultation
- with certain groups; providing for the application of this Act; and generally 9
- 10 relating to the Mental Hygiene Administration and the Community-Based
- Services Fund. 11
- 12 BY repealing and reenacting, with amendments,
- Article Health General 13
- 14 Section 10-208
- 15 Annotated Code of Maryland
- 16 (2000 Replacement Volume and 2003 Supplement)

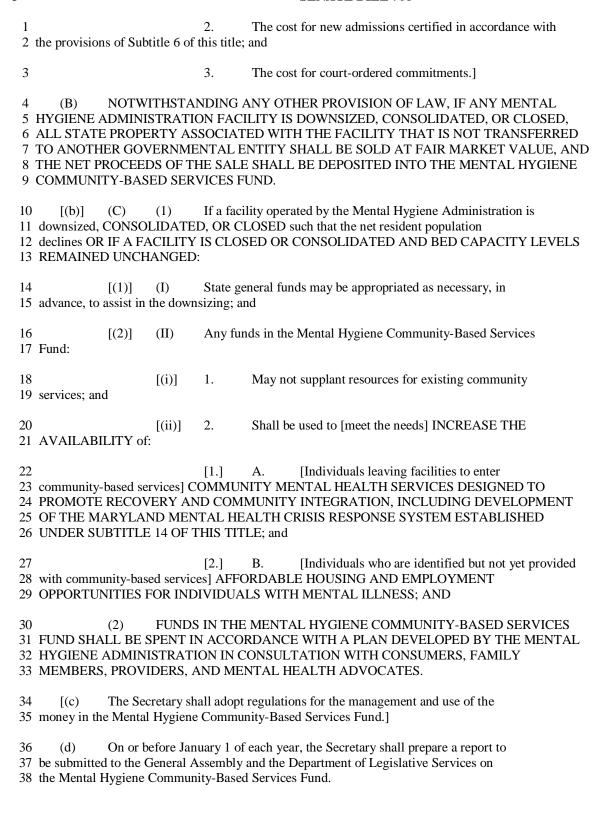
17 Preamble

- 18 WHEREAS. The mission of the Mental Hygiene Administration is to create
- and manage a coordinated, comprehensive, accessible, culturally sensitive, and age 19
- 20 appropriate system of publicly-funded services and supports for individuals who are
- diagnosed with a psychiatric disorder; and
- 22 WHEREAS, One of the stated values of the Mental Hygiene Administration is
- 23 that, "services should be provided in the least restrictive, most normative, and most
- 24 appropriate setting"; and
- WHEREAS, The Supreme Court held in the 1999 Olmstead v. L.C. decision 25
- 26 that, "under Title II of the Americans With Disabilities Act, States are required to
- 27 provide community-based treatment for persons with mental disabilities in
- 28 community settings when the State's treatment professionals have determined that
- 29 such placement is appropriate, the affected persons do not oppose such treatment,

1 and the placement can be reasonably accommodated, taking into account the 2 resources available to the State"; and WHEREAS, The Department of Health and Mental Hygiene's October 2003 4 Report to the Joint Chairmen on Maryland's Public Mental Health System on 5 Restructuring the System of Hospital Care concluded that the State may consolidate 6 its three existing regional psychiatric hospitals in central Maryland to two hospitals while continuing to meet the needs of individuals diagnosed with a psychiatric 8 disorder; and 9 WHEREAS, To ensure that Maryland meets its obligation to provide 10 treatment for persons with mental disabilities in community settings where 11 appropriate, the savings associated with consolidation and closure need to be 12 allocated to the Mental Hygiene Administration's Community-Based Services Fund 13 to provide community services to individuals who are ready for discharge from a State 14 psychiatric hospital, and to expand the access to community services to prevent the 15 unnecessary use of costly hospital care and to promote independence and recovery; 16 now, therefore, 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 10-208. (a) (1) There is a continuing nonlapsing Mental Hygiene Community-Based 22 Services Fund. 23 [Subject to the appropriation process, the] THE purpose of the 24 Mental Hygiene Community-Based Services Fund is to ensure that funds realized 25 from the SALE OF MENTAL HYGIENE ADMINISTRATION FACILITIES AS THE RESULT 26 OF downsizing, CONSOLIDATION, OR CLOSURE [of Mental Hygiene Administration 27 facilities] are used to provide community-based services. 28 In determining funding for the Mental Hygiene Community-Based 29 Services Fund, the cost of providing services to an individual in a mental hygiene 30 facility shall be calculated by: 31 Dividing the mental hygiene facility's appropriation by the daily 32 average census reported in the mental hygiene facility's annual operating budget for 33 the last full year the individual was served in the mental hygiene facility prorated 34 over the number of months the individual is served in the community; and 35 (ii) Subtracting the following: The average annual itemized expenses associated with 36 1. 37 institutional services and administrative overhead costs that are demonstrated to be

38 directly attributable to serving individuals remaining in the mental hygiene facility;

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- 1 (e) Any unspent portions of the Mental Hygiene Community-Based Services
- 2 Fund and any interest earned on money in the Waiting List Equity Fund may not be
- 3 transferred or revert to the General Fund of the State but shall remain in the Mental
- 4 Hygiene Community-Based Services Fund to be used for the purposes specified in
- 5 this section.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
- 7 construed to apply only prospectively and may not be applied or interpreted to have
- 8 any effect on or application to any closure, consolidation, or downsizing of any Mental
- 9 Hygiene Administration facility before the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 11 effect July 1, 2004.