

SENATE BILL 706

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2004 Regular Session
4r2319
CF 4r1392

By: **Senators Kelley, Britt, and Teitelbaum**
Introduced and read first time: February 6, 2004
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 2004

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of clarifying the purpose of the Community-Based Services Fund in
4 the Mental Hygiene Administration; requiring that certain Mental Hygiene
5 Administration property be sold or leased under certain circumstances;
6 requiring the funds from the sale or lease of certain property to be used in a
7 certain manner; ~~repealing a certain method for calculating the funding for the~~
8 ~~Fund~~; requiring the Mental Hygiene Administration to develop a plan to spend
9 certain funds in consultation with certain groups; providing for the application
10 of this Act; and generally relating to the Mental Hygiene Administration and the
11 Community-Based Services Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
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
19 and manage a coordinated, comprehensive, accessible, culturally sensitive, and age
20 appropriate system of publicly-funded services and supports for individuals who are
21 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

1 WHEREAS, The Supreme Court held in the 1999 Olmstead v. L.C. decision
2 that, "under Title II of the Americans With Disabilities Act, States are required to
3 provide community-based treatment for persons with mental disabilities in
4 community settings when the State's treatment professionals have determined that
5 such placement is appropriate, the affected persons do not oppose such treatment,
6 and the placement can be reasonably accommodated, taking into account the
7 resources available to the State"; and

8 WHEREAS, The Department of Health and Mental Hygiene's October 2003
9 Report to the Joint Chairmen on Maryland's Public Mental Health System on
10 Restructuring the System of Hospital Care concluded that the State may consolidate
11 its three existing regional psychiatric hospitals in central Maryland to two hospitals
12 while continuing to meet the needs of individuals diagnosed with a psychiatric
13 disorder; and

14 WHEREAS, To ensure that Maryland meets its obligation to provide
15 treatment for persons with mental disabilities in community settings where
16 appropriate, the savings associated with consolidation and closure need to be
17 allocated to the Mental Hygiene Administration's Community-Based Services Fund
18 to provide community services to individuals who are ready for discharge from a State
19 psychiatric hospital, and to expand the access to community services to prevent the
20 unnecessary use of costly hospital care and to promote independence and recovery;
21 now, therefore,

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

24 **Article - Health - General**

25 10-208.

26 (a) (1) There is a continuing nonlapsing Mental Hygiene Community-Based
27 Services Fund.

28 (2) [Subject to the appropriation process, the] THE purpose of the
29 Mental Hygiene Community-Based Services Fund is to ensure that funds realized
30 from the SALE OR LEASE OF MENTAL HYGIENE ADMINISTRATION FACILITIES AS THE
31 RESULT OF downsizing, CONSOLIDATION, OR CLOSURE [of Mental Hygiene
32 Administration facilities] are used to provide community-based services.

33 [(3) In determining funding for the Mental Hygiene Community-Based
34 Services Fund, the cost of providing services to an individual in a mental hygiene
35 facility shall be calculated by:

36 (i) Dividing the mental hygiene facility's appropriation by the daily
37 average census reported in the mental hygiene facility's annual operating budget for
38 the last full year the individual was served in the mental hygiene facility prorated
39 over the number of months the individual is served in the community; and

40 (ii) Subtracting the following:

