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By: **Delegates Hammen, Morhaim, and Pendergrass**

Introduced and read first time: February 9, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health Safety Net Restoration Act of 2005**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
4 provide access to community-based mental health services to individuals who  
5 have certain private health care coverage; requiring the services provided to be  
6 those provided to certain uninsured low-income individuals; establishing  
7 eligibility requirements for individuals to receive services; requiring the  
8 Department to offer services according to a certain fee scale; defining certain  
9 terms; and generally relating to community-based mental health services for  
10 individuals with private health care coverage.

11 BY adding to

12 Article - Health - General

13 Section 10-1601 to be under the new subtitle "Subtitle 16. Mental Health Safety  
14 Net"

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2004 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 **SUBTITLE 16. MENTAL HEALTH SAFETY NET.**

21 10-1601.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (2) "EMPLOYER-SPONSORED PLAN" MEANS AN EMPLOYEE WELFARE  
25 BENEFIT PLAN THAT PROVIDES MEDICAL CARE TO EMPLOYEES OR THEIR  
26 DEPENDENTS, AND IS NOT SUBJECT TO STATE REGULATION IN ACCORDANCE WITH  
27 THE FEDERAL EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

1 (3) "HEALTH BENEFIT PLAN" MEANS A:

2 (I) HOSPITAL OR MEDICAL POLICY OR CERTIFICATE, INCLUDING  
3 THOSE ISSUED UNDER MULTIPLE EMPLOYER TRUSTS OR ASSOCIATIONS LOCATED IN  
4 MARYLAND OR ANY OTHER STATE COVERING MARYLAND RESIDENTS;

5 (II) POLICY, CONTRACT, OR CERTIFICATE ISSUED BY A NONPROFIT  
6 HEALTH SERVICE PLAN THAT COVERS MARYLAND RESIDENTS; OR

7 (III) HEALTH MAINTENANCE ORGANIZATION SUBSCRIBER OR  
8 GROUP MASTER CONTRACT.

9 (B) THE DEPARTMENT SHALL PROVIDE ACCESS TO COMMUNITY-BASED  
10 MENTAL HEALTH SERVICES TO INDIVIDUALS WHO HAVE HEALTH CARE COVERAGE  
11 THROUGH:

12 (1) AN EMPLOYER-SPONSORED PLAN; OR

13 (2) A HEALTH BENEFIT PLAN.

14 (C) THE SERVICES REQUIRED TO BE PROVIDED UNDER SUBSECTION (B) OF  
15 THIS SECTION SHALL BE THE SERVICES THE DEPARTMENT PROVIDES TO  
16 UNINSURED LOW-INCOME INDIVIDUALS WHO ARE NOT ELIGIBLE FOR THE  
17 MARYLAND MEDICAL ASSISTANCE PROGRAM.

18 (D) TO BE ELIGIBLE FOR SERVICES UNDER THIS SECTION AN INDIVIDUAL  
19 SHALL:

20 (1) BE COVERED UNDER AN EMPLOYER-SPONSORED PLAN OR A HEALTH  
21 BENEFIT PLAN;

22 (2) (I) HAVE EXHAUSTED MENTAL HEALTH BENEFITS UNDER THE  
23 EMPLOYER-SPONSORED PLAN OR HEALTH BENEFIT PLAN THAT ARE APPROPRIATE  
24 TO THE INDIVIDUAL'S CONDITION; OR

25 (II) HAVE NO BENEFITS UNDER THE EMPLOYER-SPONSORED PLAN  
26 OR HEALTH BENEFIT PLAN THAT ARE APPROPRIATE TO THE INDIVIDUAL'S  
27 CONDITION; AND

28 (3) MEET ESTABLISHED CRITERIA FOR MEDICAL NECESSITY.

29 (E) THE DEPARTMENT SHALL OFFER SERVICES UNDER THIS SECTION TO  
30 ELIGIBLE INDIVIDUALS ACCORDING TO A SLIDING FEE SCALE BASED ON INCOME.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2005.