

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 1033 (Delegate C. Davis)
 Health and Government Operations

Quality of Mental Health Care Panel

This bill establishes a five-member Quality of Mental Health Care Panel within the Mental Hygiene Administration (MHA) to ensure quality mental health care.

Fiscal Summary

State Effect: General fund expenditures could increase by \$510,900 in FY 2006 to hire additional personnel. No effect on revenues. Future years reflect annualization and inflation.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	510,900	626,800	662,100	699,800	740,300
Net Effect	(\$510,900)	(\$626,800)	(\$662,100)	(\$699,800)	(\$740,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The panel must consist of: (1) three licensed psychiatrists; (2) one licensed nurse in the field of psychiatry; and (3) one licensed social worker in the field of psychiatry. Members serve four-year terms.

A person may file a complaint with the panel if the person's enumerated rights under the Health-General Article are violated or the person suffered other damages. Before taking

any action against an individual, the panel must hold a hearing and give the individual against whom the action is contemplated an opportunity to be heard.

Following a hearing, the panel may impose a penalty. Penalties may include:

- an order to cease and desist the conduct that interfered with the quality of mental health;
- an order to provide a service that has been denied;
- imposing a penalty of up to \$5,000;
- recommending that the facility's certificate to operate be revoked or not renewed;
- recommending that the facility suspend or discharge an employee who interferes with the quality of mental health care; or
- recommending that the appropriate board suspend or revoke a license.

A person aggrieved by the panel's decision may appeal that decision to the board of review and then take further appeal by the Administrative Procedure Act. An aggrieved person may also seek judicial review.

MHA must adopt regulations to carry out these provisions.

Current Law: The Health-General Article enumerates several rights that patients in Department of Health and Mental Hygiene (DHMH) facilities must be afforded. All DHMH facilities must implement complaint procedures that afford individuals the ability to exercise those rights.

State Expenditures: MHA estimates that the panel would receive approximately 1,000 grievances per year and would require seven patients' rights ombudsmen. Assuming that the cases were distributed evenly, each ombudsman would spend an average of 14.56 hours per case.

General fund expenditures could increase by an estimated \$510,882 in fiscal 2006, which accounts for the bill's October 1, 2005 effective date. This estimate reflects the cost of hiring seven patients' rights ombudsmen, one director, one office secretary, and one part-time attorney general to staff the panel. This estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$432,210
Operating Expenses	<u>78,672</u>
Total FY 2006 State Expenditures	\$510,882

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: HB 1535 of 2004 was referred to the Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2005
mam/jr

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