

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1594

(Delegates Hubbard and Rosenberg)

Health and Government Operations

Finance

**Benefits and Services for Individuals Who Are Incarcerated or Institutionalized -
Work Group Report**

This bill extends to October 1, 2006 the final report deadline for a work group addressing the rearrest and reincarceration of individuals with mental illnesses. It also specifies what the report must include.

The bill takes effect June 1, 2006.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The final report of the work group, convened by the Department of Health and Mental Hygiene (DHMH), the Department of Human Resources (DHR), and the Department of Public Safety and Correctional Services (DPSCS) must include:

- for both jails and prisons, the number of individuals with a mental illness who are receiving services; and the adequacy of the current mental health and related support services;

- a determination of whether current services are adequate to meet the needs of mentally ill inmates;
- a summary of effective pilot programs implemented by DHMH, DHR, and DPSCS and any recommendations for statewide implementation of the programs;
- the status of and the need for transition and diversion programs;
- recommendations on the proper scope, configuration, and availability of mental health and supportive services and training;
- cost estimates to implement any recommendations and the benefits of implementing the recommendations; and
- identification of benefit restoration programs or recommendations to streamline access to services upon an inmate's release from a correctional facility that, if implemented in State psychiatric hospitals, would enable individuals served by these hospitals to access benefits and services more quickly on an individual's discharge into the community.

Current Law: Chapter 82 of 2005 specifies that if a Medicaid enrollee who is 21 to 64 years old is incarcerated or is admitted to an institution for the treatment of mental disease, DHMH must suspend Medicaid benefits for that individual while the individual is incarcerated or institutionalized and may not terminate program benefits for that individual based on incarceration or institutionalization. The benefit suspension requirements are contingent on DHMH's receipt of funding for a new computerized eligibility system for Medicaid. The bill's suspension requirements take effect on the date the new system is implemented.

Chapter 82 of 2005 required DHMH, DHR, and DPSCS to convene a work group to make recommendations on actions to break the cycle of rearrest and reincarceration for individuals with mental illnesses. The work group must report its findings and recommendations by December 1, 2005 to specified legislative committees.

Background: The work group issued a preliminary report January 18, 2006 on its progress and initial recommendations:

- DHMH is planning for a new computerized Medicaid eligibility system to ensure that suspension and reinstatement of benefits occurs seamlessly, which is expected to be operational in fiscal 2008.
- The work group recommends that the case management services currently provided to all individuals in local detention centers and to inmates in the Patuxent Institution's 30-bed prerelease program be expanded and made available to individuals with mental illnesses throughout Maryland's correctional system, both prior to release and for a defined period after release.
- DHMH and DPSCS have entered into an informal agreement to begin Maryland Pharmacy Assistance Program applications for individuals prior to release to expedite the availability of medications for individuals whose Medicaid applications are delayed or denied and for those who will be Medicaid eligible but will qualify for the Maryland Pharmacy Assistance Program upon release.
- DPSCS is beginning to collect data on the number of inmates who keep their mental health clinic appointments upon release. The work group recommends DHMH and DPSCS work together to collect data to identify the degree to which services available for inmates upon release who are not eligible for Medicaid are fully meeting the need. The work group also recommends DHMH and DPSCS work together to better identify the barriers hindering an individual's linkage to services upon release.
- The work group recommends that the Patuxent Institution's 30-bed prerelease program already serving inmates with mental illnesses be expanded to treat inmates with co-occurring substance abuse disorders and inmates in minimum-security settings. It also is recommended that resources be made available to increase the number of community providers who may visit inmates in the institution and plan for their transition from incarceration into the community.
- DPSCS is negotiating with the Motor Vehicle Administration to issue inmates State identification badges prior to release.
- The work group recommends that a member of the House Judiciary Committee and a member of the Senate Judicial Proceedings Committee be added to the Joint Legislative Oversight Committee on Access to Mental Health Services.

Additional Information

Prior Introductions: None.

Cross File: SB 960 (Senator Middleton) – Finance.

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

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ncs/jr

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