

SB0791/947876/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 791

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “establishing certain immunity from civil liability for certain persons;”; in line 6, strike “compensate” and substitute “reimburse”; strike beginning with “requiring” in line 7 down through “date;” in line 13; in line 14, strike “implementation”; strike beginning with “for” in line 14 down through “services” in line 15 and substitute “to divert certain individuals with a serious mental illness to certain types of services”; and in line 23, after “card;” insert “expressing the intent of the General Assembly that the Mental Hygiene Administration expend no more than a certain amount of money in a certain year to implement the provisions of this Act;”.

On page 2, in line 10, strike “and 15-104.1”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 through 26, inclusive, and substitute:

“(A) THE DEPARTMENT SHALL PROVIDE AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF INCARCERATION IN THE DIVISION OF CORRECTION AND WHO HAS BEEN DIAGNOSED WITH A MENTAL ILLNESS WITH ACCESS TO A 30-DAY SUPPLY OF MEDICATION FOR THE MENTAL ILLNESS ON THE RELEASE OF THE INMATE.”

“(B) PART OF THE 30-DAY SUPPLY OF MEDICATION PROVIDED UNDER SUBSECTION (A) OF THIS SECTION MAY BE PROVIDED BY PRESCRIPTION IF THE INMATE IS PROVIDED SUFFICIENT MEDICATION ON RELEASE THAT ENABLES THE INMATE TO REMAIN MEDICATION-COMPLIANT WITH THE MEDICATION”

(Over)

UNTIL ADDITIONAL MEDICATION BECOMES AVAILABLE FROM FILLING THE PRESCRIPTION.

(C) THIS SECTION SHALL APPLY ONLY IF A TREATING PHYSICIAN DETERMINES THAT:

(1) THE RELEASED INMATE'S POSSESSION OF MEDICATION IN THE QUANTITY PRESCRIBED IS IN THE BEST INTEREST OF THE INMATE; AND

(2) POSSESSION OF THE PRESCRIBED MEDICATION WILL NOT CONSTITUTE A DANGER TO THE RELEASED INMATE.

(D) THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, OR AN AGENT OF THE DEPARTMENT, INCLUDING A PHYSICIAN OR CORPORATE ENTITY PROVIDING MEDICAL SERVICES TO INMATES ON BEHALF OF THE DEPARTMENT, MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR ISSUING MEDICATION OR A PRESCRIPTION FOR MEDICATION TO AN INMATE ON THE INMATE'S RELEASE NOTWITHSTANDING THAT THE RELEASED INMATE:

(1) IS NO LONGER UNDER THE CARE OR SUPERVISION OF THE PRESCRIBING PHYSICIAN; AND

(2) MAY BE WITHOUT MEDICAL SUPERVISION FOR THE PERIOD DURING WHICH THE MEDICATION HAS BEEN ADMINISTERED.”.

AMENDMENT NO. 3

On page 3, in line 1, strike “(A)” and in line 3, strike “THAT” and substitute “WHO”.

On pages 3 and 4, strike in their entirety the lines beginning with line 7 on page 3 through line 2 on page 4, inclusive.

On page 4, strike in their entirety lines 4 through 15, inclusive, and substitute:

“(a) (1) The Mental Hygiene Administration shall develop a plan for the State to divert individuals with serious mental illnesses who come in contact with the criminal justice system to inpatient or outpatient mental health services if such services are more appropriate than confinement of the individual in a correctional facility.”

(2) If determined to be feasible and appropriate, the plan required under this section shall include:

(i) coordination with and expansion of community mental health crisis response services; and

(ii) the expansion of the Forensic Alternative Services Team or the Maryland Community Criminal Justice Treatment Program, with due consideration given to the unique needs and existing programs operating in local jurisdictions.”;

and in line 19, strike “implementation”.

AMENDMENT NO. 4

On page 5, strike beginning with “includes” in line 21 down through “complies” in line 22 and substitute “includes the information required to comply”; after line 28, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Mental Hygiene Administration expend no more than \$150,000 in fiscal 2008 to implement the provisions of this Act.”;

(Over)

and in line 29, strike “5.” and substitute “6.”.