

# SENATE BILL 791

J1

71r3077

---

By: **Senator Middleton**

Introduced and read first time: February 15, 2007

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Incarcerated Individuals with Mental Illness**

3 FOR the purpose of requiring the Department of Public Safety and Correctional  
4 Services to provide certain access to a certain amount of medication to certain  
5 individuals under certain circumstances; requiring the Mental Hygiene  
6 Administration to compensate certain mental health providers for certain  
7 services; requiring the Governor to provide a certain appropriation in certain  
8 fiscal years for compensating certain providers for certain services; requiring  
9 the Governor to provide a certain appropriation in a certain fiscal year for  
10 hiring and training certain individuals for certain purposes; requiring the  
11 Department of Human Resources and the Department of Public Safety and  
12 Correctional Services to submit a certain report to certain committees of the  
13 General Assembly on or before a certain date; requiring the Mental Hygiene  
14 Administration to develop a certain implementation plan for diverting certain  
15 individuals into certain mental health services; requiring the Mental  
16 Hygiene Administration to work with each core service agency in the State to  
17 develop a plan to enter into memoranda of understanding with local detention  
18 centers to establish a certain data sharing initiative; requiring the Mental  
19 Hygiene Administration to submit certain reports to certain committees of the  
20 General Assembly and to a certain workgroup on or before a certain date;  
21 requiring the Department of Public Safety and Correctional Services, in  
22 collaboration with the Motor Vehicle Administration, to develop a plan to  
23 provide departing inmates with a certain identification card; requiring the  
24 Department of Public Safety and Correctional Services to submit a certain  
25 report to certain committees of the General Assembly on or before a certain

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 date; and generally relating to mental health treatment for incarcerated  
2 individuals.

3 BY adding to  
4 Article – Correctional Services  
5 Section 9–612  
6 Annotated Code of Maryland  
7 (1999 Volume and 2006 Supplement)

8 BY adding to  
9 Article – Health – General  
10 Section 10–814 and 15–104.1  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2006 Supplement)

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

15 **Article – Correctional Services**

16 **9–612.**

17 (A) AT THE TIME OF RELEASE OF AN INMATE WITH MENTAL ILLNESS,  
18 THE DEPARTMENT SHALL PROVIDE THE INMATE WITH ACCESS TO A 30–DAY  
19 SUPPLY OF MEDICATION FOR THE MENTAL ILLNESS, IF DETERMINED  
20 APPROPRIATE BY THE PRESCRIBING PHYSICIAN.

21 (B) (1) AT LEAST 14 DAYS OF THE 30–DAY SUPPLY PROVIDED UNDER  
22 SUBSECTION (A) OF THIS SECTION SHALL CONSIST OF A SUPPLY OF THE  
23 MEDICATION.

24 (2) THE REMAINDER OF THE 30–DAY SUPPLY PROVIDED UNDER  
25 SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED EITHER BY  
26 PRESCRIPTION OR BY AN ACTUAL SUPPLY OF THE MEDICATION.

27 **Article – Health – General**

28 **10–814.**

1           (A) THE ADMINISTRATION SHALL COMPENSATE CASE MANAGERS OR  
2 OTHER APPROPRIATE COMMUNITY MENTAL HEALTH PROVIDERS FOR  
3 CONDUCTING INITIAL ASSESSMENTS OF INMATES THAT ARE:

4                   (1) IDENTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY AND  
5 CORRECTIONAL SERVICES AS HAVING A SERIOUS MENTAL ILLNESS; AND

6                   (2) EXPECTED TO BE RELEASED WITHIN 3 MONTHS.

7           (B) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR FISCAL  
8 YEAR 2008 AND ANNUALLY THEREAFTER AT LEAST \$250,000 IN GENERAL FUND  
9 STATE SUPPORT TO COVER THE COST OF THE ASSESSMENTS REQUIRED UNDER  
10 THIS SECTION.

11   15-104.1.

12           (A) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR FISCAL  
13 YEAR 2009 AT LEAST \$250,000 IN GENERAL FUND STATE SUPPORT FOR HIRING  
14 AND TRAINING PROGRAM BENEFITS COORDINATORS IN THE DEPARTMENT OF  
15 PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR THE PRISON SYSTEM AND  
16 CASEWORKERS IN THE DEPARTMENT OF HUMAN RESOURCES TO PROCESS  
17 APPLICATIONS FOR PROGRAM BENEFITS FOR INDIVIDUALS WITH A MENTAL  
18 ILLNESS WHO ARE EXPECTED TO BE RELEASED WITHIN 3 MONTHS.

19           (B) ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT OF HUMAN  
20 RESOURCES AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
21 SERVICES SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
22 GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE  
23 HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE EFFECT  
24 OF THE INCREASED STAFF PROVIDED UNDER SUBSECTION (A) OF THIS SECTION  
25 ON:

26                   (1) THE NUMBER OF APPLICATIONS FOR PROGRAM BENEFITS  
27 COMPLETED PRIOR TO THE RELEASE OF INMATES WITH A MENTAL ILLNESS AND  
28 RATES OF APPROVAL FOR THESE APPLICATIONS;

29                   (2) CHANGES IN RECIDIVISM RATES FOR INMATES WITH A  
30 MENTAL ILLNESS AS A RESULT OF IMPROVED ACCESS TO MEDICAL ASSISTANCE  
31 BENEFITS; AND

1                   **(3) RECOMMENDATIONS TO EXPAND BENEFITS COORDINATION**  
2 **SUPPORT FOR INMATES IN PRISONS AND JAILS.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That:

4           (a) (1) The Mental Hygiene Administration shall develop an  
5 implementation plan for the State for diverting to inpatient or outpatient mental  
6 health services individuals with serious mental illnesses who come in contact with the  
7 criminal justice system and who would be more appropriately served with mental  
8 health services than confinement in a correctional facility.

9           (2) The implementation plan required under this section shall, as  
10 feasible and appropriate, include:

11                   (i) establishment of community mental health crisis response  
12 services; and

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

16           (b) On or before January 1, 2008, the Mental Hygiene Administration shall  
17 report, in accordance with § 2-1246 of the State Government Article, to the Senate  
18 Finance Committee, the House Health and Government Operations Committee, and  
19 the Transformation Grant workgroup on the implementation plan developed under  
20 subsection (a) of this section.

21           SECTION 3. AND BE IT FURTHER ENACTED, That:

22           (a) The Mental Hygiene Administration shall work with each core service  
23 agency to develop a plan to enter into memoranda of understanding with local  
24 detention centers to establish a data sharing initiative that:

25                   (1) promotes the continuity of treatment for individuals with a serious  
26 mental illness who have received services in the public mental health system and who  
27 become involved in the criminal justice system;

28                   (2) implements electronic submission of information by the local  
29 detention center on each arrestee for each 24-hour period to the public mental health  
30 system's administrative services organization;

1                   (3)     requires the administrative services organization to cross reference  
2 the information received from the detention center in order to identify residents within  
3 the jurisdiction who are public mental health system enrollees with a serious mental  
4 illness and provide the names of the enrollees to the core service agency for the  
5 jurisdiction; and

6                   (4)     provides a mechanism for a core service agency, with the arrestee's  
7 consent, to:

8                           (i)     share treatment information with the detention center  
9 health care provider; and

10                           (ii)    make necessary linkages to the community service provider  
11 network to ensure that treatment information is available to appropriate detention  
12 center staff.

13           (b)     On or before January 1, 2008, the Mental Hygiene Administration shall  
14 report, in accordance with § 2-1246 of the State Government Article, to the Senate  
15 Finance Committee, the House Health and Government Operations Committee, and  
16 the Transformation Grant workgroup on the plan developed under subsection (a) of  
17 this section.

18           SECTION 4. AND BE IT FURTHER ENACTED, That:

19                   (a)     The Department of Public Safety and Correctional Services, in  
20 collaboration with the Motor Vehicle Administration, shall develop a plan to provide  
21 departing inmates with an identification card that includes the information required  
22 under the federal REAL ID Act of 2005 and complies with the Motor Vehicle  
23 Administration's requirements for the issuance of a State identification card.

24                   (b)     On or before January 1, 2008, the Department of Public Safety and  
25 Correctional Services shall report, in accordance with § 2-1246 of the State  
26 Government Article, to the Senate Finance Committee and the House Health and  
27 Government Operations Committee on the plan developed under subsection (a) of this  
28 section.

29           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 2007.