

HOUSE BILL 372

J1

(8lr0247)

ENROLLED BILL

—Health and Government Operations/Finance—

Introduced by **The Speaker (By Request - Administration) and Delegates Ali, Aumann, Bobo, Bohanan, Branch, Braveboy, Bronrott, Cane, G. Clagett, Conway, Doory, Dumais, Eckardt, Elmore, Frick, Gaines, Gilchrist, Guzzone, Hammen, Haynes, Healey, Hecht, Heller, Holmes, Hubbard, Huckler, James, Jones, Kaiser, Kramer, Krebs, Kullen, Lee, Levy, Love, Manno, Mathias, McKee, Minnick, Montgomery, Morhaim, Nathan-Pulliam, O'Donnell, Pendergrass, Proctor, Ramirez, Riley, Rosenberg, Rudolph, Shank, Smigiel, Sophocleus, Stein, Tarrant, F. Turner, ~~and Vaughn~~ Vaughn, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, Mizeur, Oaks, Pena-Melnyk, Reznik, V. Turner, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Veterans Behavioral Health**

3 FOR the purpose of establishing behavioral health service coordination among the
4 Department of Health and Mental Hygiene, the United States Department of
5 Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 National Guard, and the Maryland Defense Force for certain veterans of the
2 Afghanistan or Iraq conflicts; requiring the provision of certain behavioral
3 health services under certain circumstances in certain areas of the State to
4 veterans of the Afghanistan or Iraq conflicts; requiring the Department of
5 Health and Mental Hygiene to seek certain reimbursement for certain services;
6 requiring the Department of Health and Mental Hygiene to separately account
7 for certain funds; creating the Veterans Behavioral Health Advisory Board;
8 providing for the composition and chair of the Board; providing for the staffing
9 of the Board; prohibiting members of the Board from receiving compensation
10 but entitling members to reimbursement of certain expenses; establishing the
11 duties of the Board; requiring the Board to submit certain reports to the
12 Governor and the General Assembly on or before certain dates; requiring the
13 Department of Health and Mental Hygiene, in consultation with the Board, to
14 submit a certain application for certain funds on or before a certain date;
15 requiring the Department to submit a copy of the application to the Maryland
16 Congressional Delegation and certain committees of the General Assembly;
17 providing for the termination of this Act; defining certain terms; and generally
18 relating to the behavioral health needs of veterans and their families.

19 BY adding to

20 Article – Health – General

21 Section 13–2701 through 13–2703 to be under the new subtitle “Subtitle 27.
22 Behavioral Health Services for Maryland Veterans of the Afghanistan
23 and Iraq Conflicts”

24 Annotated Code of Maryland

25 (2005 Replacement Volume and 2007 Supplement)

26 Preamble

27 WHEREAS, Maryland has a long and proud history of commitment to military
28 service, with over 460,000 veterans who have served the nation in the armed forces;
29 and

30 WHEREAS, Maryland has over 10,000 veterans of the conflicts in Afghanistan
31 and Iraq, with 5,000 more projected to return by the end of 2008; and

32 WHEREAS, It is among the highest priorities of the State to ensure that
33 veterans returning from active service have the support, opportunities, and services
34 necessary to facilitate their smooth transition from military to civilian life, and to ease
35 that transition for their families; and

36 WHEREAS, Among the obstacles returning veterans often face are unmet
37 physical and behavioral health needs arising out of their service; and

38 WHEREAS, The psychological trauma of the war on terror, the
39 counterinsurgency, and the urban battlefield has put veterans returning from
40 Afghanistan and Iraq and at particular risk of Post-Traumatic Stress Syndrome and

1 related conditions, which if untreated can lead to life-long struggles with depression,
2 substance abuse, unemployment, homelessness, and suicide; and

3 WHEREAS, Estimates are that more than half of veterans of the Afghanistan
4 and Iraq conflicts return from combat zones with behavioral health problems that
5 could compromise their successful adjustment to civilian life; and

6 WHEREAS, Gaps in the availability of behavioral health services and
7 impediments to veterans' ability to access those services, particularly in the State's
8 rural areas may leave serious health problems untreated and exacerbate the
9 difficulties returning veterans and their families must face; and

10 WHEREAS, The State is committed to identifying the behavioral health needs
11 and gaps in services that may exist for returning veterans, and to collaborating with
12 the United States Department of Veterans Affairs, veterans' organizations, and others
13 to address those needs and ensure that veterans and their families receive the services
14 they require and deserve; now, therefore,

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

17 **Article - Health - General**

18 **SUBTITLE 27. BEHAVIORAL HEALTH SERVICES FOR MARYLAND VETERANS OF**
19 **THE AFGHANISTAN AND IRAQ CONFLICTS.**

20 **13-2701.**

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) "ADJUTANT GENERAL" MEANS THE HEAD OF THE MARYLAND
24 MILITARY DEPARTMENT.

25 (C) "BEHAVIORAL HEALTH SERVICES" MEANS MENTAL HEALTH
26 SERVICES OR ALCOHOL AND SUBSTANCE ABUSE SERVICES.

27 (D) "CRISIS SERVICES" MEANS TEMPORARY SERVICES DESIGNED TO
28 ADDRESS AND STABILIZE A SEVERE BEHAVIORAL HEALTH PROBLEM AND TO
29 AVOID AN EMERGENCY SITUATION, AND MAY INCLUDE HOTLINES, IN-HOME
30 SUPPORT, AND RESIDENTIAL CRISIS SERVICES.

31 (E) "MARYLAND DEFENSE FORCE" MEANS THE MILITARY FORCE
32 ESTABLISHED UNDER § 13-501 OF THE PUBLIC SAFETY ARTICLE.

1 (F) "MARYLAND NATIONAL GUARD" MEANS THE MARYLAND ARMY
2 NATIONAL GUARD AND MARYLAND AIR NATIONAL GUARD.

3 (G) "SERVICE COORDINATION" MEANS A SERVICE DESIGNED TO
4 COORDINATE AND PROVIDE ASSISTANCE IN OBTAINING ACCESS TO BEHAVIORAL
5 HEALTH SERVICES.

6 (H) "SERVICE COORDINATOR" MEANS A PERSON EMPLOYED BY THE
7 DEPARTMENT TO PROVIDE SERVICE COORDINATION TO VETERANS.

8 (I) "UNIFORMED SERVICES" HAS THE MEANING STATED IN 10 U.S.C. §
9 101.

10 ~~(J)~~ (J) "VETERAN" MEANS A MARYLAND RESIDENT WHO:

11 (1) SERVED ON ACTIVE DUTY IN THE ~~ARMED FORCES~~ UNIFORMED
12 SERVICES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS
13 DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE;
14 AND

15 (2) (I) SERVED IN AFGHANISTAN OR CONTIGUOUS AIRSPACE,
16 AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER OCTOBER 24, 2001, AND
17 BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED STATES
18 SECRETARY OF DEFENSE; OR

19 (II) SERVED IN IRAQ OR CONTIGUOUS WATERS OR
20 AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER MARCH 19,
21 2003, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED
22 STATES SECRETARY OF DEFENSE.

23 ~~(K)~~ (K) "WEB-BASED RESOURCE PROGRAM" MEANS AN INTERACTIVE
24 WEB-BASED COMMUNICATION MEDIUM THAT:

25 (1) ALLOWS INDIVIDUALS TO ACCESS COMPREHENSIVE
26 INFORMATION, ADVOCACY, AND OTHER RESOURCES REGARDING PUBLIC AND
27 PRIVATE BEHAVIORAL HEALTH SERVICES, CRISIS AND EMERGENCY SERVICES,
28 AND EARLY INTERVENTION AND PREVENTION PROGRAMS; AND

29 (2) ENABLES THE PUBLIC AND PRIVATE HEALTH CARE
30 COMMUNITIES TO WORK TOGETHER TO ADDRESS THE PROBLEMS RELATED TO
31 PROVIDING AND OBTAINING ACCESS TO BEHAVIORAL HEALTH SERVICES.

32 13-2702.

1 (A) **SUBJECT TO THE LIMITATIONS OF ITS BUDGET, THE DEPARTMENT:**

2 (1) **IN COLLABORATION WITH THE UNITED STATES DEPARTMENT**
3 **OF VETERANS AFFAIRS, THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS,**
4 **THE MARYLAND NATIONAL GUARD, AND THE MARYLAND DEFENSE FORCE,**
5 **SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL GEOGRAPHIC**
6 **REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL HEALTH SERVICES**
7 **WHICH MAY BE AVAILABLE THROUGH THE UNITED STATES DEPARTMENT OF**
8 **VETERANS AFFAIRS;**

9 (2) **(I) WHERE SERVICES ARE NOT YET AVAILABLE OR**
10 **ACCESSIBLE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS**
11 **AFFAIRS, SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL**
12 **GEOGRAPHIC REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL**
13 **HEALTH SERVICES WHICH MAY BE AVAILABLE THROUGH THE MENTAL HYGIENE**
14 **ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION,**
15 **UNTIL SUCH FEDERAL SERVICES CAN BE ACCESSED AND OBTAINED; AND**

16 **(II) THE PROVISION OF SERVICES THROUGH THE MENTAL**
17 **HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE**
18 **ADMINISTRATION SHALL BE BASED ON ELIGIBILITY AND MEDICAL NECESSITY**
19 **CRITERIA ESTABLISHED BY THESE ADMINISTRATIONS; AND**

20 (3) **SHALL PROVIDE VETERANS UP-TO-DATE INFORMATION**
21 **ABOUT BEHAVIORAL HEALTH SERVICES AND RESOURCES THROUGH A**
22 **WEB-BASED RESOURCE PROGRAM.**

23 (B) **SUBJECT TO THE LIMITATIONS OF ITS BUDGET AND IN ADDITION TO**
24 **THE SERVICE COORDINATION PROVIDED UNDER SUBSECTION (A) OF THIS**
25 **SECTION, THE DEPARTMENT SHALL PROVIDE OR FUND CERTAIN BEHAVIORAL**
26 **HEALTH SERVICES FOR VETERANS WHO:**

27 (1) **MEET THE ELIGIBILITY AND MEDICAL NECESSITY CRITERIA**
28 **OF THE MENTAL HYGIENE ADMINISTRATION AND THE ALCOHOL AND DRUG**
29 **ABUSE ADMINISTRATION; AND**

30 (2) **CANNOT OBTAIN IMMEDIATE ACCESS TO BEHAVIORAL**
31 **HEALTH SERVICES THROUGH THE UNITED STATES DEPARTMENT OF VETERANS**
32 **AFFAIRS.**

33 (C) **(1) THE BEHAVIORAL HEALTH SERVICES PROVIDED UNDER**
34 **SUBSECTION (B) OF THIS SECTION MAY INCLUDE:**

1 (I) CRISIS SERVICES IN ALL GEOGRAPHIC REGIONS OF THE
2 STATE; AND

3 (II) SHORT-TERM BEHAVIORAL HEALTH SERVICES IN
4 RURAL AREAS OF THE STATE, WHERE EXISTING FEDERAL AND STATE
5 BEHAVIORAL HEALTH SERVICES ARE DETERMINED BY THE DEPARTMENT TO BE
6 INADEQUATE OR INACCESSIBLE.

7 (2) THE SHORT-TERM BEHAVIORAL HEALTH SERVICES PROVIDED
8 UNDER PARAGRAPH (1) (II) OF THIS SUBSECTION:

9 (I) SHALL BE AVAILABLE ONLY UNTIL A VETERAN IS ABLE
10 TO ACCESS AND OBTAIN ADEQUATE BEHAVIORAL HEALTH SERVICES THROUGH
11 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; AND

12 (II) MAY INCLUDE:

13 1. SCREENING ASSESSMENTS;

14 2. INDIVIDUAL, FAMILY, AND GROUP THERAPY;

15 3. SUBSTANCE ABUSE EARLY INTERVENTION AND
16 DETOXIFICATION SERVICES; AND

17 4. SUBSTANCE ABUSE MEDICATION-ASSISTED
18 TREATMENT.

19 (3) THE DEPARTMENT SHALL SEEK REIMBURSEMENT FROM THE
20 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR OTHER
21 RESPONSIBLE PUBLIC OR PRIVATE PAYER FOR ANY BEHAVIORAL HEALTH
22 SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

23 (D) THE DEPARTMENT SHALL ACCOUNT SEPARATELY FOR FUNDS USED
24 TO PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS UNDER SUBSECTION
25 (B) OF THIS SECTION.

26 13-2703.

27 (A) THERE IS A VETERANS BEHAVIORAL HEALTH ADVISORY BOARD.

28 (B) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING
29 MEMBERS:

30 (1) THE LIEUTENANT GOVERNOR;

1 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
2 THE PRESIDENT OF THE SENATE;

3 (3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
4 THE SPEAKER OF THE HOUSE;

5 (4) THE SECRETARY OF THE MARYLAND DEPARTMENT OF
6 VETERANS AFFAIRS, OR THE SECRETARY'S DESIGNEE;

7 (5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
8 SECRETARY'S DESIGNEE;

9 (6) THE ADJUTANT GENERAL, OR THE ADJUTANT GENERAL'S
10 DESIGNEE;

11 (7) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT
12 OF VETERANS AFFAIRS; AND

13 ~~(7)~~ (8) THE FOLLOWING MEMBERS, APPOINTED BY THE
14 GOVERNOR:

15 (I) ONE REPRESENTATIVE OF A VETERANS SERVICE
16 ORGANIZATION;

17 (II) ONE REPRESENTATIVE OF A LOCAL HEALTH
18 DEPARTMENT;

19 (III) ONE REPRESENTATIVE OF A PRIVATE PROVIDER OF
20 BEHAVIORAL HEALTH SERVICES;

21 (IV) ONE VETERAN; AND

22 (V) ONE FAMILY MEMBER OF A VETERAN.

23 (C) THE LIEUTENANT GOVERNOR SHALL BE THE CHAIR OF THE
24 ADVISORY BOARD.

25 (D) THE DEPARTMENTS OF HEALTH AND MENTAL HYGIENE AND
26 VETERANS AFFAIRS SHALL PROVIDE STAFF FOR THE ADVISORY BOARD.

27 (E) A MEMBER OF THE ADVISORY BOARD MAY NOT RECEIVE
28 COMPENSATION AS A MEMBER OF THE ADVISORY BOARD, BUT IS ENTITLED TO

1 REIMBURSEMENT EXPENSES UNDER THE STANDARD STATE TRAVEL
2 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

3 (F) A MAJORITY OF THE FULL MEMBERSHIP OF THE ADVISORY BOARD
4 SHALL CONSTITUTE A QUORUM.

5 (G) THE ADVISORY BOARD MAY ACT ON ANY MATTER WITH THE
6 AUTHORIZATION OF A MAJORITY OF THE QUORUM PRESENT AND VOTING.

7 (H) THE ADVISORY BOARD SHALL:

8 (1) CONDUCT AN IMMEDIATE ANALYSIS OF THE BEHAVIORAL
9 HEALTH NEEDS OF VETERANS AND THEIR FAMILIES;

10 (2) IDENTIFY THE GAPS IN BEHAVIORAL HEALTH SERVICES
11 AVAILABLE TO VETERANS AND THEIR FAMILIES;

12 (3) IDENTIFY IMPEDIMENTS TO THE ABILITY OF VETERANS AND
13 THEIR FAMILIES TO ACCESS THE BEHAVIORAL HEALTH SERVICES THAT ARE
14 AVAILABLE, PARTICULARLY IN THE STATE'S RURAL AREAS;

15 (4) FACILITATE COLLABORATION AMONG ORGANIZATIONS AND
16 ENTITIES, INCLUDING HOSPITALS, THAT PROVIDE BEHAVIORAL HEALTH
17 SERVICES TO VETERANS AND THEIR FAMILIES;

18 (5) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING
19 OUTREACH TO VETERANS AND THEIR FAMILIES IN NEED OF BEHAVIORAL
20 HEALTH SERVICES;

21 (6) PROMOTE FEDERAL AND STATE COLLABORATION TO
22 MAXIMIZE FUNDING AND ACCESS TO RESOURCES FOR THE BEHAVIORAL HEALTH
23 NEEDS OF VETERANS AND THEIR FAMILIES;

24 (7) MAKE RECOMMENDATIONS WITH RESPECT TO BUILDING
25 PROVIDER CAPACITY AND INCREASING PROVIDER TRAINING TO MEET THE
26 BEHAVIORAL HEALTH NEEDS OF VETERANS AND THEIR FAMILIES; ~~AND~~

27 (8) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING
28 THE COORDINATION OF BEHAVIORAL HEALTH SERVICES FOR VETERANS AND
29 THEIR FAMILIES; AND

30 (9) MAKE RECOMMENDATIONS ON METHODS TO PROVIDE
31 BEHAVIORAL HEALTH SERVICES TO INDIVIDUALS WHO ARE NOT ELIGIBLE FOR
32 BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

1 DUE TO A DISHONORABLE DISCHARGE OR RELEASE FOR A REASON RELATING TO
2 SUBSTANCE ABUSE OR MENTAL ILLNESS.

3 (I) THE ADVISORY BOARD SHALL SUBMIT AN INTERIM REPORT OF ITS
4 FINDINGS ON OR BEFORE DECEMBER 1, 2009, AND A FINAL REPORT OF ITS
5 FINDINGS AND RECOMMENDATIONS ON OR BEFORE DECEMBER 1, 2010, TO THE
6 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
7 THE GENERAL ASSEMBLY.

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

9 (a) On or before September 1, 2008, the Department of Health and Mental
10 Hygiene, in conjunction with the Veterans Behavioral Health Advisory Board
11 established under Section 1 of this Act, shall submit a grant application to the United
12 States Department of Veterans Affairs or other appropriate federal agency for a
13 minimum of \$3,500,000 in federal funds in fiscal year 2010 and a minimum of
14 \$3,500,000 in federal funds in fiscal year 2011 to support the provision of behavioral
15 health services to veterans under this Act.

16 (b) The Department shall send a copy of the application required under this
17 section to the members of the Maryland Congressional Delegation and, in accordance
18 with § 2-1246 of the State Government Article, the Senate Budget and Taxation
19 Committee, the Senate Finance Committee, the House Appropriations Committee, and
20 the House Health and Government Operations Committee.

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect June 1, 2008. It shall remain effective for a period of 3 years and, at the end of
23 May 31, 2011, with no further action required by the General Assembly, this Act shall
24 be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.