

HOUSE BILL 372

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CF SB 210

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, Hucker, 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**

Introduced and read first time: January 25, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

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
6 National Guard, and the Maryland Defense Force for certain veterans of the
7 Afghanistan or Iraq conflicts; requiring the provision of certain behavioral
8 health services under certain circumstances in certain areas of the State to
9 veterans of the Afghanistan or Iraq conflicts; creating the Veterans Behavioral
10 Health Advisory Board; providing for the composition and chair of the Board;
11 providing for the staffing of the Board; prohibiting members of the Board from
12 receiving compensation but entitling members to reimbursement of certain
13 expenses; establishing the duties of the Board; requiring the Board to submit
14 certain reports to the Governor and the General Assembly on or before certain
15 dates; providing for the termination of this Act; defining certain terms; and
16 generally relating to the behavioral health needs of veterans and their families.

17 BY adding to

18 Article – Health – General

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

22 Annotated Code of Maryland

23 (2005 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Preamble

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

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

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

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

13 WHEREAS, The psychological trauma of the war on terror, the
14 counterinsurgency, and the urban battlefield has put veterans returning from
15 Afghanistan and Iraq and at particular risk of Post-Traumatic Stress Syndrome and
16 related conditions, which if untreated can lead to life-long struggles with depression,
17 substance abuse, unemployment, homelessness, and suicide; and

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

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

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

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

32 **Article - Health - General**33 **SUBTITLE 27. BEHAVIORAL HEALTH SERVICES FOR MARYLAND VETERANS OF**
34 **THE AFGHANISTAN AND IRAQ CONFLICTS.**

1 **13-2701.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ADJUTANT GENERAL" MEANS THE HEAD OF THE MARYLAND
5 MILITARY DEPARTMENT.

6 (C) "BEHAVIORAL HEALTH SERVICES" MEANS MENTAL HEALTH
7 SERVICES OR ALCOHOL AND SUBSTANCE ABUSE SERVICES.

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

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

14 (F) "MARYLAND NATIONAL GUARD" MEANS THE MARYLAND ARMY
15 NATIONAL GUARD AND MARYLAND AIR NATIONAL GUARD.

16 (G) "SERVICE COORDINATION" MEANS A SERVICE DESIGNED TO
17 COORDINATE AND PROVIDE ASSISTANCE IN OBTAINING ACCESS TO BEHAVIORAL
18 HEALTH SERVICES.

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

21 (I) "VETERAN" MEANS A MARYLAND RESIDENT WHO:

22 (1) SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE
23 UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR
24 RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE; AND

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

29 (II) SERVED IN IRAQ OR CONTIGUOUS WATERS OR
30 AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER MARCH 19,
31 2003, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED
32 STATES SECRETARY OF DEFENSE.

1 **(J) “WEB-BASED RESOURCE PROGRAM” MEANS AN INTERACTIVE**
2 **WEB-BASED COMMUNICATION MEDIUM THAT:**

3 **(1) ALLOWS INDIVIDUALS TO ACCESS COMPREHENSIVE**
4 **INFORMATION, ADVOCACY, AND OTHER RESOURCES REGARDING PUBLIC AND**
5 **PRIVATE BEHAVIORAL HEALTH SERVICES, CRISIS AND EMERGENCY SERVICES,**
6 **AND EARLY INTERVENTION AND PREVENTION PROGRAMS; AND**

7 **(2) ENABLES THE PUBLIC AND PRIVATE HEALTH CARE**
8 **COMMUNITIES TO WORK TOGETHER TO ADDRESS THE PROBLEMS RELATED TO**
9 **PROVIDING AND OBTAINING ACCESS TO BEHAVIORAL HEALTH SERVICES.**

10 **13-2702.**

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

12 **(1) IN COLLABORATION WITH THE UNITED STATES DEPARTMENT**
13 **OF VETERANS AFFAIRS, THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS,**
14 **THE MARYLAND NATIONAL GUARD, AND THE MARYLAND DEFENSE FORCE,**
15 **SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL GEOGRAPHIC**
16 **REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL HEALTH SERVICES**
17 **WHICH MAY BE AVAILABLE THROUGH THE UNITED STATES DEPARTMENT OF**
18 **VETERANS AFFAIRS;**

19 **(2) (I) WHERE SERVICES ARE NOT YET AVAILABLE OR**
20 **ACCESSIBLE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS**
21 **AFFAIRS, SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL**
22 **GEOGRAPHIC REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL**
23 **HEALTH SERVICES WHICH MAY BE AVAILABLE THROUGH THE MENTAL HYGIENE**
24 **ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION,**
25 **UNTIL SUCH FEDERAL SERVICES CAN BE ACCESSED AND OBTAINED; AND**

26 **(II) THE PROVISION OF SERVICES THROUGH THE MENTAL**
27 **HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE**
28 **ADMINISTRATION SHALL BE BASED ON ELIGIBILITY AND MEDICAL NECESSITY**
29 **CRITERIA ESTABLISHED BY THESE ADMINISTRATIONS; AND**

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

33 **(B) SUBJECT TO THE LIMITATIONS OF ITS BUDGET AND IN ADDITION TO**
34 **THE SERVICE COORDINATION PROVIDED UNDER SUBSECTION (A) OF THIS**

1 SECTION, THE DEPARTMENT SHALL PROVIDE OR FUND CERTAIN BEHAVIORAL
2 HEALTH SERVICES FOR VETERANS WHO:

3 (1) MEET THE ELIGIBILITY AND MEDICAL NECESSITY CRITERIA
4 OF THE MENTAL HYGIENE ADMINISTRATION AND THE ALCOHOL AND DRUG
5 ABUSE ADMINISTRATION; AND

6 (2) CANNOT OBTAIN IMMEDIATE ACCESS TO BEHAVIORAL
7 HEALTH SERVICES THROUGH THE UNITED STATES DEPARTMENT OF VETERANS
8 AFFAIRS.

9 (C) (1) THE BEHAVIORAL HEALTH SERVICES PROVIDED UNDER
10 SUBSECTION (B) OF THIS SECTION MAY INCLUDE:

11 (I) CRISIS SERVICES IN ALL GEOGRAPHIC REGIONS OF THE
12 STATE; AND

13 (II) SHORT-TERM BEHAVIORAL HEALTH SERVICES IN
14 RURAL AREAS OF THE STATE, WHERE EXISTING FEDERAL AND STATE
15 BEHAVIORAL HEALTH SERVICES ARE DETERMINED BY THE DEPARTMENT TO BE
16 INADEQUATE OR INACCESSIBLE.

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

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

22 (II) MAY INCLUDE:

23 1. SCREENING ASSESSMENTS;

24 2. INDIVIDUAL, FAMILY, AND GROUP THERAPY;

25 3. SUBSTANCE ABUSE EARLY INTERVENTION AND
26 DETOXIFICATION SERVICES; AND

27 4. SUBSTANCE ABUSE MEDICATION-ASSISTED
28 TREATMENT.

29 13-2703.

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

1 **(B) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING**
2 **MEMBERS:**

3 **(1) THE LIEUTENANT GOVERNOR;**

4 **(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
5 **THE PRESIDENT OF THE SENATE;**

6 **(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
7 **THE SPEAKER OF THE HOUSE;**

8 **(4) THE SECRETARY OF THE MARYLAND DEPARTMENT OF**
9 **VETERANS AFFAIRS, OR THE SECRETARY'S DESIGNEE;**

10 **(5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
11 **SECRETARY'S DESIGNEE;**

12 **(6) THE ADJUTANT GENERAL, OR THE ADJUTANT GENERAL'S**
13 **DESIGNEE;**

14 **(7) THE FOLLOWING MEMBERS, APPOINTED BY THE 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 THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS AND
17 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.

30 (I) THE ADVISORY BOARD SHALL SUBMIT AN INTERIM REPORT OF ITS
31 FINDINGS ON OR BEFORE DECEMBER 1, 2009, AND A FINAL REPORT OF ITS
32 FINDINGS AND RECOMMENDATIONS ON OR BEFORE DECEMBER 1, 2010, TO THE

1 **GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
2 **THE GENERAL ASSEMBLY.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2008. It shall remain effective for a period of 3 years and, at the end of May 31,
5 2011, with no further action required by the General Assembly, this Act shall be
6 abrogated and of no further force and effect.