

HOUSE BILL 372

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8lr0247
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~~ Vaughn, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, Mizeur, Oaks, Pena-Melnyk, Reznik, V. Turner, and Weldon**

Introduced and read first time: January 25, 2008
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2008

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
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; requiring the Department of
10 Health and Mental Hygiene to seek certain reimbursement for certain services;
11 requiring the Department of Health and Mental Hygiene to separately account
12 for certain funds; creating the Veterans Behavioral Health Advisory Board;
13 providing for the composition and chair of the Board; providing for the staffing
14 of the Board; prohibiting members of the Board from receiving compensation
15 but entitling members to reimbursement of certain expenses; establishing the
16 duties of the Board; requiring the Board to submit certain reports to the

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.



1 Governor and the General Assembly on or before certain dates; requiring the
2 Department of Health and Mental Hygiene, in consultation with the Board, to
3 submit a certain application for certain funds on or before a certain date;
4 requiring the Department to submit a copy of the application to the Maryland
5 Congressional Delegation and certain committees of the General Assembly;
6 providing for the termination of this Act; defining certain terms; and generally
7 relating to the behavioral health needs of veterans and their families.

8 BY adding to

9 Article – Health – General

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

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2007 Supplement)

15 Preamble

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

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

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

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

27 WHEREAS, The psychological trauma of the war on terror, the
28 counterinsurgency, and the urban battlefield has put veterans returning from
29 Afghanistan and Iraq and at particular risk of Post–Traumatic Stress Syndrome and
30 related conditions, which if untreated can lead to life–long struggles with depression,
31 substance abuse, unemployment, homelessness, and suicide; and

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

35 WHEREAS, Gaps in the availability of behavioral health services and
36 impediments to veterans’ ability to access those services, particularly in the State’s
37 rural areas may leave serious health problems untreated and exacerbate the
38 difficulties returning veterans and their families must face; and

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

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

8 **Article - Health - General**

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

11 **13-2701.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "ADJUTANT GENERAL" MEANS THE HEAD OF THE MARYLAND
15 MILITARY DEPARTMENT.

16 (C) "BEHAVIORAL HEALTH SERVICES" MEANS MENTAL HEALTH
17 SERVICES OR ALCOHOL AND SUBSTANCE ABUSE SERVICES.

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

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

24 (F) "MARYLAND NATIONAL GUARD" MEANS THE MARYLAND ARMY
25 NATIONAL GUARD AND MARYLAND AIR NATIONAL GUARD.

26 (G) "SERVICE COORDINATION" MEANS A SERVICE DESIGNED TO
27 COORDINATE AND PROVIDE ASSISTANCE IN OBTAINING ACCESS TO BEHAVIORAL
28 HEALTH SERVICES.

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

31 (I) "UNIFORMED SERVICES" HAS THE MEANING STATED IN 10 U.S.C. §
32 101.

1 ~~(J)~~ **(J)** **“VETERAN” MEANS A MARYLAND RESIDENT WHO:**

2 (1) **SERVED ON ACTIVE DUTY IN THE ~~ARMED FORCES~~ UNIFORMED**
3 **SERVICES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS**
4 **DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE;**
5 **AND**

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

10 (II) **SERVED IN IRAQ OR CONTIGUOUS WATERS OR**
11 **AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER MARCH 19,**
12 **2003, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED**
13 **STATES SECRETARY OF DEFENSE.**

14 ~~(J)~~ **(K)** **“WEB-BASED RESOURCE PROGRAM” MEANS AN INTERACTIVE**
15 **WEB-BASED COMMUNICATION MEDIUM THAT:**

16 (1) **ALLOWS INDIVIDUALS TO ACCESS COMPREHENSIVE**
17 **INFORMATION, ADVOCACY, AND OTHER RESOURCES REGARDING PUBLIC AND**
18 **PRIVATE BEHAVIORAL HEALTH SERVICES, CRISIS AND EMERGENCY SERVICES,**
19 **AND EARLY INTERVENTION AND PREVENTION PROGRAMS; AND**

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

23 **13-2702.**

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

25 (1) **IN COLLABORATION WITH THE UNITED STATES DEPARTMENT**
26 **OF VETERANS AFFAIRS, THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS,**
27 **THE MARYLAND NATIONAL GUARD, AND THE MARYLAND DEFENSE FORCE,**
28 **SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL GEOGRAPHIC**
29 **REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL HEALTH SERVICES**
30 **WHICH MAY BE AVAILABLE THROUGH THE UNITED STATES DEPARTMENT OF**
31 **VETERANS AFFAIRS;**

32 (2) (I) **WHERE SERVICES ARE NOT YET AVAILABLE OR**
33 **ACCESSIBLE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS**
34 **AFFAIRS, SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL**
35 **GEOGRAPHIC REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL**

1 HEALTH SERVICES WHICH MAY BE AVAILABLE THROUGH THE MENTAL HYGIENE
2 ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION,
3 UNTIL SUCH FEDERAL SERVICES CAN BE ACCESSED AND OBTAINED; AND

4 (II) THE PROVISION OF SERVICES THROUGH THE MENTAL
5 HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE
6 ADMINISTRATION SHALL BE BASED ON ELIGIBILITY AND MEDICAL NECESSITY
7 CRITERIA ESTABLISHED BY THESE ADMINISTRATIONS; AND

8 (3) SHALL PROVIDE VETERANS UP-TO-DATE INFORMATION
9 ABOUT BEHAVIORAL HEALTH SERVICES AND RESOURCES THROUGH A
10 WEB-BASED RESOURCE PROGRAM.

11 (B) SUBJECT TO THE LIMITATIONS OF ITS BUDGET AND IN ADDITION TO
12 THE SERVICE COORDINATION PROVIDED UNDER SUBSECTION (A) OF THIS
13 SECTION, THE DEPARTMENT SHALL PROVIDE OR FUND CERTAIN BEHAVIORAL
14 HEALTH SERVICES FOR VETERANS WHO:

15 (1) MEET THE ELIGIBILITY AND MEDICAL NECESSITY CRITERIA
16 OF THE MENTAL HYGIENE ADMINISTRATION AND THE ALCOHOL AND DRUG
17 ABUSE ADMINISTRATION; AND

18 (2) CANNOT OBTAIN IMMEDIATE ACCESS TO BEHAVIORAL
19 HEALTH SERVICES THROUGH THE UNITED STATES DEPARTMENT OF VETERANS
20 AFFAIRS.

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

23 (I) CRISIS SERVICES IN ALL GEOGRAPHIC REGIONS OF THE
24 STATE; AND

25 (II) SHORT-TERM BEHAVIORAL HEALTH SERVICES IN
26 RURAL AREAS OF THE STATE, WHERE EXISTING FEDERAL AND STATE
27 BEHAVIORAL HEALTH SERVICES ARE DETERMINED BY THE DEPARTMENT TO BE
28 INADEQUATE OR INACCESSIBLE.

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

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

34 (II) MAY INCLUDE:

- 1 1. **SCREENING ASSESSMENTS;**
- 2 2. **INDIVIDUAL, FAMILY, AND GROUP THERAPY;**
- 3 3. **SUBSTANCE ABUSE EARLY INTERVENTION AND**
4 **DETOXIFICATION SERVICES; AND**
- 5 4. **SUBSTANCE ABUSE MEDICATION-ASSISTED**
6 **TREATMENT.**

7 **(3) THE DEPARTMENT SHALL SEEK REIMBURSEMENT FROM THE**
8 **UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR OTHER**
9 **RESPONSIBLE PUBLIC OR PRIVATE PAYER FOR ANY BEHAVIORAL HEALTH**
10 **SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.**

11 **(D) THE DEPARTMENT SHALL ACCOUNT SEPARATELY FOR FUNDS USED**
12 **TO PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS UNDER SUBSECTION**
13 **(B) OF THIS SECTION.**

14 **13-2703.**

15 **(A) THERE IS A VETERANS BEHAVIORAL HEALTH ADVISORY BOARD.**

16 **(B) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING**
17 **MEMBERS:**

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

19 **(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
20 **THE PRESIDENT OF THE SENATE;**

21 **(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
22 **THE SPEAKER OF THE HOUSE;**

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

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

27 **(6) THE ADJUTANT GENERAL, OR THE ADJUTANT GENERAL'S**
28 **DESIGNEE;**

1 **(7) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT**
2 **OF VETERANS AFFAIRS; AND**

3 ~~(7)~~ **(8) THE FOLLOWING MEMBERS, APPOINTED BY THE**
4 **GOVERNOR:**

5 **(I) ONE REPRESENTATIVE OF A VETERANS SERVICE**
6 **ORGANIZATION;**

7 **(II) ONE REPRESENTATIVE OF A LOCAL HEALTH**
8 **DEPARTMENT;**

9 **(III) ONE REPRESENTATIVE OF A PRIVATE PROVIDER OF**
10 **BEHAVIORAL HEALTH SERVICES;**

11 **(IV) ONE VETERAN; AND**

12 **(V) ONE FAMILY MEMBER OF A VETERAN.**

13 **(C) THE LIEUTENANT GOVERNOR SHALL BE THE CHAIR OF THE**
14 **ADVISORY BOARD.**

15 **(D) THE DEPARTMENTS OF HEALTH AND MENTAL HYGIENE AND**
16 **VETERANS AFFAIRS SHALL PROVIDE STAFF FOR THE ADVISORY BOARD.**

17 **(E) A MEMBER OF THE ADVISORY BOARD MAY NOT RECEIVE**
18 **COMPENSATION AS A MEMBER OF THE ADVISORY BOARD, BUT IS ENTITLED TO**
19 **REIMBURSEMENT EXPENSES UNDER THE STANDARD STATE TRAVEL**
20 **REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

21 **(F) A MAJORITY OF THE FULL MEMBERSHIP OF THE ADVISORY BOARD**
22 **SHALL CONSTITUTE A QUORUM.**

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

25 **(H) THE ADVISORY BOARD SHALL:**

26 **(1) CONDUCT AN IMMEDIATE ANALYSIS OF THE BEHAVIORAL**
27 **HEALTH NEEDS OF VETERANS AND THEIR FAMILIES;**

28 **(2) IDENTIFY THE GAPS IN BEHAVIORAL HEALTH SERVICES**
29 **AVAILABLE TO VETERANS AND THEIR FAMILIES;**

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

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

7 (5) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING
8 OUTREACH TO VETERANS AND THEIR FAMILIES IN NEED OF BEHAVIORAL
9 HEALTH SERVICES;

10 (6) PROMOTE FEDERAL AND STATE COLLABORATION TO
11 MAXIMIZE FUNDING AND ACCESS TO RESOURCES FOR THE BEHAVIORAL HEALTH
12 NEEDS OF VETERANS AND THEIR FAMILIES;

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

16 (8) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING
17 THE COORDINATION OF BEHAVIORAL HEALTH SERVICES FOR VETERANS AND
18 THEIR FAMILIES; AND

19 (9) MAKE RECOMMENDATIONS ON METHODS TO PROVIDE
20 BEHAVIORAL HEALTH SERVICES TO INDIVIDUALS WHO ARE NOT ELIGIBLE FOR
21 BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
22 DUE TO A DISHONORABLE DISCHARGE OR RELEASE FOR A REASON RELATING TO
23 SUBSTANCE ABUSE OR MENTAL ILLNESS.

24 (I) THE ADVISORY BOARD SHALL SUBMIT AN INTERIM REPORT OF ITS
25 FINDINGS ON OR BEFORE DECEMBER 1, 2009, AND A FINAL REPORT OF ITS
26 FINDINGS AND RECOMMENDATIONS ON OR BEFORE DECEMBER 1, 2010, TO THE
27 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
28 THE GENERAL ASSEMBLY.

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

30 (a) On or before September 1, 2008, the Department of Health and Mental
31 Hygiene, in conjunction with the Veterans Behavioral Health Advisory Board
32 established under Section 1 of this Act, shall submit a grant application to the United
33 States Department of Veterans Affairs or other appropriate federal agency for a
34 minimum of \$3,500,000 in federal funds in fiscal year 2010 and a minimum of
35 \$3,500,000 in federal funds in fiscal year 2011 to support the provision of behavioral
36 health services to veterans under this Act.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.