

HOUSE BILL 377

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11r0129
CF SB 144

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health and Mental Hygiene)**

Introduced and read first time: February 3, 2011

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2011

CHAPTER _____

1 AN ACT concerning

2 **Mental Hygiene Administration Facilities – Repeal of Provisions that Relate**
3 **to Closed Facilities**

4 FOR the purpose of repealing certain provisions of law that relate to certain Mental
5 Hygiene Administration facilities that have been closed; making stylistic
6 changes; and generally relating to Mental Hygiene Administration facilities
7 that have been closed.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 10–406(a) and (c), 10–406.1, and 10–411
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Health – General
15 Section 10–406(b)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

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

20 **Article – Health – General**

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 10-406.

2 (a) The following State facilities shall be maintained under the direction of
3 the Administration:

4 (1) Clifton T. Perkins Hospital Center[.];

5 [(2) Crownsville Hospital Center.]

6 [(3) (2) Eastern Shore Hospital Center[.];

7 [(4) (3) Regional Institutes for Children and Adolescents –
8 Baltimore[,] AND Rockville[, and Southern Maryland.];

9 [(5) (4) Springfield Hospital Center[.];

10 [(6) (5) Spring Grove Hospital Center[.]; AND

11 [(7) Walter P. Carter Center.]

12 [(8) (6) Thomas B. Finan Hospital Center.

13 (b) As a facility is built or transferred to the Administration, the facility may
14 be made a State facility.

15 [(c) (1) The Department shall provide for a Regional Institute for Children
16 and Adolescents in Prince George's County by July 1, 1983.

17 (2) The Regional Institute is a residential center for severely
18 emotionally disturbed children and adolescents.

19 (3) The Department shall provide residential and day treatment
20 programs for children and adolescents from Prince George's County.

21 (i) The Department shall offer to contract the education
22 program to the local educational agency.

23 (ii) If the local educational agency declines to contract, the
24 Department may operate an education program directly or contract with another
25 qualified provider.

26 (4) Until a separate program is established for each county, children
27 from Charles, Calvert, and St. Mary's counties may be served by the Regional
28 Institute in Prince George's County.

1 (5) The Department shall establish guidelines in cooperation with the
2 local board of education for the operation of the Regional Institute for Children and
3 Adolescents in Prince George's County.]

4 [(6) (i)] (C) (1) By January 1, 1985, the Department shall
5 adopt rules and regulations for admission to all Regional Institutes for Children and
6 Adolescents in cooperation with representatives from the advisory committees of the
7 Regional Institutes for Children and Adolescents, the mental health advisory
8 committees in each region, the local education agencies, and the Mental Health
9 Association of Maryland.

10 [(ii)] (2) In determining these rules and regulations, the
11 Department shall provide that no bona fide candidate for admission may be rejected
12 solely because of residence outside the regular catchment area served by the
13 institution.

14 [(iii)] (3) In determining these rules and regulations, the
15 Department shall provide that candidates for admission who reside in the regular
16 catchment area served by the institution shall be granted priority in admissions to the
17 institution.

18 10-406.1.

19 (a) The Regional Institutes for Children and Adolescents in Baltimore[,]
20 AND Montgomery[, and Prince George's] counties shall be comparable:

21 (1) In programs by January 1, 1992; and

22 (2) In facilities by July 1, 1994.

23 (b) The facilities and programs of an institute may not be reduced to achieve
24 comparability.

25 (c) In no event shall the level of State funding provided or number of
26 positions authorized to any Regional Institute for Children and Adolescents be reduced
27 in order to attain comparability.

28 10-411.

29 (a) (1) (i) Except for the Eastern Shore Hospital Center, [the
30 Crownsville Hospital Center, the Regional Institute for Children and Adolescents in
31 Prince George's County,] the Spring Grove Hospital Center, and the Clifton T. Perkins
32 Hospital Center, each Board consists of 7 members appointed by the Governor.

33 [(ii) The Board for the Crownsville Hospital Center consists of 11
34 members appointed by the Governor.]

1 [(iii)] (II) The Board for the Eastern Shore Hospital Center
2 consists of 11 members appointed by the Governor.

3 [(iv)] The Board for the Regional Institute for Children and
4 Adolescents in Prince George's County consists of 11 members appointed by the
5 Governor.]

6 [(v)] (III) The Board for the Spring Grove Hospital Center
7 consists of 9 members appointed by the Governor.

8 [(vi)] (IV) The Board for the Clifton T. Perkins Hospital Center
9 consists of 9 members appointed by the Governor.

10 (2) The Board for each State facility shall reflect adequately the
11 composition of the community that the State facility serves.

12 (3) Of the members of the Board for a State facility:

13 (i) At least 2 shall be parents or other relatives of residents or
14 former residents of a State facility; and

15 (ii) Each of the others shall be individuals who:

16 1. Are known for their interest in civic and public
17 affairs; and

18 2. Have expressed an interest in the care of individuals
19 who have a mental disorder or generally in mental health endeavors.

20 (4) The Governor shall appoint the members from a list of qualified
21 individuals submitted to the Governor by the Secretary.

22 (b) Each member of a Board shall be a citizen of this State.

23 (c) (1) The term of a member is 4 years.

24 (2) (i) Except for the Board for [the Regional Institute for Children
25 and Adolescents in Prince George's County and the Board for] the Clifton T. Perkins
26 Hospital Center, the terms of members are staggered as required for members of each
27 Board on July 1, 1982. [For the Board for the Regional Institute for Children and
28 Adolescents in Prince George's County, the terms of the members are staggered as
29 required for the members on the Board on July 1, 1983.] For the Board for the Clifton
30 T. Perkins Hospital Center, the terms of the members are staggered as required for
31 the members on the Board on October 1, 1994.

32 (ii) Except for the Boards of the Eastern Shore Hospital Center,
33 [the Crownsville Hospital Center, the Regional Institute for Children and Adolescents

1 in Prince George's County,] the Spring Grove Hospital Center, and the Clifton T.
2 Perkins Hospital Center, the terms of those members end as follows:

- 3 1. 1 in 1983;
- 4 2. 4 in 1984;
- 5 3. 1 in 1985; and
- 6 4. 1 in 1986.

7 [(iii) The terms of the members of the Board for the Crownsville
8 Hospital Center end as follows:

- 9 1. 2 in 1987;
- 10 2. 5 in 1988;
- 11 3. 2 in 1989; and
- 12 4. 2 in 1990.]

13 [(iv)] (III) The terms of the members of the Board for the
14 Eastern Shore Hospital Center end as follows:

- 15 1. 2 in 1983;
- 16 2. 5 in 1984;
- 17 3. 2 in 1985; and
- 18 4. 2 in 1986.

19 [(v) The terms of the members of the Board for the Regional
20 Institute for Children and Adolescents in Prince George's County end as follows:

- 21 1. 2 in 1985;
- 22 2. 3 in 1986;
- 23 3. 3 in 1987; and
- 24 4. 3 in 1988.]

25 [(vi)] (IV) The terms of the members of the Board for the Spring
26 Grove Hospital Center end as follows:

- 1 1. 1 in 1986;
- 2 2. 1 in 1987;
- 3 3. 4 in 1988; and
- 4 4. 3 in 1989.

5 **[(vii)] (V)** The terms of the members of the Board for the Clifton
6 T. Perkins Hospital Center end as follows:

- 7 1. 1 in 1996;
- 8 2. 5 in 1997; and
- 9 3. 3 in 1998.

10 (3) At the end of a term, a member continues to serve until a successor
11 is appointed and qualifies.

12 (4) A member who is appointed after a term has begun serves only for
13 the rest of the term and until a successor is appointed and qualifies.

14 (5) (i) Except as provided in subparagraph (ii) of this paragraph, a
15 member who serves 2 consecutive full 4–year terms may not be reappointed for 4 years
16 after completion of those terms.

17 (ii) An initial member of a Board who serves 3 consecutive full
18 4–year terms may not be reappointed for 4 years after completion of those terms.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.