

Chapter 82

(House Bill 793)

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

FOR the purpose of reenacting certain provisions of law that were abrogated as of a certain date to provide for the continuance of the coordination of certain behavioral health services for certain veterans; requiring the Department of Health and Mental Hygiene, in collaboration with the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force, to provide behavioral health services coordination for certain veterans, subject to certain limitations; requiring the Department of Health and Mental Hygiene, subject to certain limitations, to coordinate, provide, and fund certain behavioral health services for certain veterans under certain circumstances; requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds; defining certain terms; and generally relating to the coordination and provision of behavioral health services for veterans.

BY adding to

Article – Health – General

Section 13–2701 and 13–2702 to be under the new subtitle “Subtitle 27.
Behavioral Health Services for Maryland Veterans”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Article – Health – General

SUBTITLE 27. BEHAVIORAL HEALTH SERVICES FOR MARYLAND VETERANS.

13–2701.

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

(B) “BEHAVIORAL HEALTH SERVICES” MEANS MENTAL HEALTH SERVICES OR ALCOHOL AND SUBSTANCE ABUSE SERVICES.

(C) (1) “CRISIS SERVICES” MEANS TEMPORARY SERVICES DESIGNED TO ADDRESS AND STABILIZE A SEVERE BEHAVIORAL HEALTH PROBLEM AND TO AVOID AN EMERGENCY SITUATION.

(2) “CRISIS SERVICES” INCLUDES HOTLINES, IN-HOME SUPPORT, AND RESIDENTIAL CRISIS SERVICES.

(D) “MARYLAND DEFENSE FORCE” MEANS THE MILITARY FORCE ESTABLISHED UNDER § 13-501 OF THE PUBLIC SAFETY ARTICLE.

(E) “MARYLAND NATIONAL GUARD” MEANS THE MARYLAND ARMY NATIONAL GUARD AND MARYLAND AIR NATIONAL GUARD.

(F) “SERVICE COORDINATION” MEANS A SERVICE DESIGNED TO COORDINATE AND PROVIDE ASSISTANCE IN OBTAINING ACCESS TO BEHAVIORAL HEALTH SERVICES.

(G) “UNIFORMED SERVICES” HAS THE MEANING STATED IN 10 U.S.C. § 101.

(H) “VETERAN” MEANS A MARYLAND RESIDENT WHO SERVED ON ACTIVE DUTY IN THE UNIFORMED SERVICES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.

(I) “WEB-BASED RESOURCE PROGRAM” MEANS AN INTERACTIVE WEB-BASED COMMUNICATION MEDIUM THAT:

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

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

13-2702.

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

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

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

(II) SHALL PROVIDE BEHAVIORAL HEALTH SERVICES THROUGH THE MENTAL HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION BASED ON ELIGIBILITY AND MEDICAL NECESSITY CRITERIA ESTABLISHED BY THESE ADMINISTRATIONS; AND

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

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

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

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

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

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

(II) SHORT-TERM BEHAVIORAL HEALTH SERVICES, WHERE EXISTING FEDERAL AND STATE BEHAVIORAL HEALTH SERVICES ARE DETERMINED BY THE DEPARTMENT TO BE INADEQUATE OR INACCESSIBLE.

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

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

(II) MAY INCLUDE:

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

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

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

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

Approved by the Governor, April 12, 2011.