

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 385
Finance

(Senator Nathan-Pulliam)

**Substance Use Disorder Treatment Programs - Performance Measures and
Assessment Criteria**

This bill requires the Secretary of Health and Mental Hygiene to adopt regulations that use the American Society of Addiction Medicine (ASAM) criteria as the standard for treatment, care, and rehabilitation of individuals with a substance use disorder. The bill specifies that the Department of Health and Mental Hygiene's (DHMH) Behavioral Health Administration (BHA) must submit a copy of its annual evaluation of licensed publicly funded substance use disorder treatment programs to the Governor and the General Assembly by January 1 each year. Additionally, BHA must use this evaluation to guide policy decisions, including those related to the funding and accreditation of substance use disorder treatment programs.

Fiscal Summary

State Effect: None. DHMH already uses ASAM criteria for substance use treatment services and intends to promulgate regulations reflecting the criteria in the immediate future. DHMH can submit the annually produced evaluation to the Governor and the General Assembly with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 460 of 2014 merged DHMH's Alcohol and Drug Abuse Administration and Mental Hygiene Administration into BHA, which is established in statute. BHA is headed by a director appointed by, and subject to the authority of, the

Secretary of Health and Mental Hygiene. The director has various powers and duties, including the power to appoint assistant directors and staff provided for in the State budget and, unless expressly provided otherwise by law, the power to delegate functions to any subordinate unit or individual in BHA.

Generally, with regard to alcohol and drug abuse programs and facilities, the Secretary must plan and encourage development, and coordinate the programs and services that offer treatment, care, or rehabilitation for individuals with a substance use disorder, and must adopt regulations that set standards for treatment, care, and rehabilitation for individuals with a substance use disorder. Statute specifies that a BHA-operated facility is a health facility, not a correctional institution. BHA must annually evaluate all publicly funded licensed substance disorder treatment using federal outcomes measures.

Background: BHA uses ASAM criteria for substance abuse treatment services and intends to promulgate regulations that incorporate the criteria in the immediate future. The ASAM criteria are required in over 30 states and, according to the ASAM website, provide separate placement criteria for adolescents and adults to create comprehensive and individualized treatment plans. Adolescent and adult treatment plans are developed through a multidimensional patient assessment over five broad levels of treatment that are based on the degree of direct medical management provided; the structure, safety, and security provided; and the intensity of treatment services provided.

Additional Comments: HB 1029 of 2015 would also require the Secretary of Health and Mental Hygiene to adopt regulations setting standards that use ASAM criteria for treatment, care, and rehabilitation of individuals with a substance use disorder.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Society of Addiction Medicine, Department of Health and Mental Hygiene, Maryland Association of County Health Officers, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2015
md/ljm

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