

SENATE BILL 403

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9lr1282
CF HB 427

By: **Senators Augustine, Feldman, Beidle, and Hayes**

Introduced and read first time: January 31, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER _____

1 AN ACT concerning

2 **Behavioral Health Administration – Outpatient Civil Commitment Pilot**
3 **Program – Statewide Expansion Revisions**

4 FOR the purpose of ~~repealing the authority of the Behavioral Health Administration to~~
5 ~~establish a certain outpatient civil commitment pilot program; requiring the~~
6 ~~Administration to establish a statewide outpatient civil commitment program;~~
7 ~~authorizing a local behavioral health authority to choose whether to participate in~~
8 ~~the program; requiring a local behavioral health authority that chooses to participate~~
9 ~~in the program to coordinate certain treatment for certain individuals; requiring the~~
10 ~~Administration to adopt certain regulations; establishing the Outpatient Civil~~
11 ~~Commitment Advisory Committee; providing for the composition, chair, terms, and~~
12 ~~staffing of the Advisory Committee; providing for the staggering of the initial terms~~
13 ~~of the appointed members of the Advisory Committee; prohibiting a member of the~~
14 ~~Advisory Committee from receiving certain compensation, but authorizing the~~
15 ~~reimbursement of certain expenses; requiring the Advisory Committee to review and~~
16 ~~approve certain changes to the program; requiring the Administration to submit a~~
17 ~~certain report to certain committees of the General Assembly on or before a certain~~
18 ~~date each year~~ requiring the Behavioral Health Administration to allow an eligible
19 individual to request enrollment into a certain outpatient civil commitment pilot
20 program; requiring the Administration to allow an immediate family member of an
21 eligible individual to request that the individual be voluntarily enrolled into a certain
22 outpatient civil commitment pilot program; making conforming and technical
23 changes; and generally relating to a statewide an outpatient civil commitment pilot
24 program.

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 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 7.5–205.1
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2018 Supplement)

6 Preamble

7 WHEREAS, Outpatient civil commitment is one approach to serve a small
 8 population of hard-to-engage individuals with serious mental illness; and

9 WHEREAS, The General Assembly passed legislation in 2017 authorizing the
 10 establishment of an outpatient civil commitment pilot program to improve access to
 11 services for individuals who have not been well-served by the public behavioral health
 12 system; and

13 WHEREAS, An outpatient civil commitment pilot program has been established in
 14 Baltimore City; and

15 WHEREAS, The pilot program in Baltimore City offers a comprehensive range of
 16 community-based and client-centered services and supports to individuals committed
 17 involuntarily to an inpatient psychiatric hospital, either through voluntary engagement or
 18 as a condition of release; and

19 WHEREAS, Individuals served by the pilot program are being effectively engaged,
 20 have experienced positive results, and have continued to participate in services; now,
 21 therefore,

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

24 Article – Health – General

25 7.5–205.1.

26 (a) ~~(1)~~ The Administration ~~{may}~~ ~~SHALL~~ establish ~~{an}~~ ~~A STATEWIDE~~
 27 outpatient civil commitment ~~{pilot}~~ program to allow for the release of an individual who
 28 is involuntarily admitted for inpatient treatment under § 10–632 of this article on condition
 29 of the individual’s admission into the ~~{pilot}~~ program.

30 ~~(2) A LOCAL BEHAVIORAL HEALTH AUTHORITY MAY CHOOSE~~
 31 ~~WHETHER TO PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM~~
 32 ~~ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

33 ~~(3) IF A LOCAL BEHAVIORAL HEALTH AUTHORITY CHOOSES TO~~
 34 ~~PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM ESTABLISHED~~

~~1 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL BEHAVIORAL HEALTH
2 AUTHORITY SHALL COORDINATE COMMUNITY-BASED TREATMENT FOR
3 INDIVIDUALS ADMITTED TO THE PROGRAM.~~

4 ~~[(b) If the Administration establishes a pilot program under subsection (a) of this
5 section, the Administration shall:~~

6 ~~(1) Adopt criteria an individual must meet in order to be admitted into the
7 pilot program;~~

8 ~~(2) Establish application, hearing, and notice requirements; and~~

9 ~~(3) Specify the rights of an individual who may be or who has been
10 admitted into the pilot program;~~

11 ~~(4) ALLOW AN ELIGIBLE INDIVIDUAL TO REQUEST ENROLLMENT
12 INTO THE PILOT PROGRAM; AND~~

13 ~~(5) ALLOW AN IMMEDIATE FAMILY MEMBER OF AN ELIGIBLE
14 INDIVIDUAL TO REQUEST THAT THE INDIVIDUAL BE VOLUNTARILY ENROLLED INTO
15 THE PILOT PROGRAM.]~~

16 ~~(B) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS
17 IMPLEMENTING THIS SECTION, IN CONSULTATION WITH THE OUTPATIENT CIVIL
18 COMMITMENT ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (C) OF
19 THIS SECTION.~~

20 ~~(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
21 SUBSECTION SHALL:~~

22 ~~(I) ESTABLISH THE REQUIRED CRITERIA FOR AN INDIVIDUAL
23 TO BE ADMITTED INTO THE PROGRAM;~~

24 ~~(II) ESTABLISH APPLICATION, HEARING, AND NOTICE
25 REQUIREMENTS;~~

26 ~~(III) SPECIFY THE RIGHTS OF AN INDIVIDUAL WHO MAY BE OR
27 WHO HAS BEEN ADMITTED INTO THE PROGRAM; AND~~

28 ~~(IV) ALLOW AN INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER
29 OF AN INDIVIDUAL TO PETITION FOR THE INDIVIDUAL'S VOLUNTARY ADMISSION
30 INTO THE PROGRAM.~~

31 ~~(C) (1) THERE IS AN OUTPATIENT CIVIL COMMITMENT ADVISORY
32 COMMITTEE.~~

1 ~~(2) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING~~
2 ~~MEMBERS:~~

3 ~~(I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR~~
4 ~~THE DEPUTY SECRETARY'S DESIGNEE;~~

5 ~~(II) ONE REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH~~
6 ~~AUTHORITY PARTICIPATING IN THE PROGRAM;~~

7 ~~(III) ONE REPRESENTATIVE OF THE STATE DESIGNATED~~
8 ~~PROTECTION AND ADVOCACY AGENCY;~~

9 ~~(IV) ONE REPRESENTATIVE OF THE MENTAL HEALTH~~
10 ~~ASSOCIATION OF MARYLAND;~~

11 ~~(V) ONE REPRESENTATIVE OF THE NATIONAL ALLIANCE ON~~
12 ~~MENTAL ILLNESS OF MARYLAND; AND~~

13 ~~(VI) ONE REPRESENTATIVE OF THE OFFICE OF~~
14 ~~ADMINISTRATIVE HEARINGS.~~

15 ~~(3) THE ADMINISTRATION SHALL APPOINT THE MEMBERS OF THE~~
16 ~~ADVISORY COMMITTEE LISTED IN PARAGRAPH (2)(I) THROUGH (VI) OF THIS~~
17 ~~SUBSECTION.~~

18 ~~(4) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE~~
19 ~~DEPUTY SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE ADVISORY~~
20 ~~COMMITTEE.~~

21 ~~(5) (I) THE TERM OF AN APPOINTED MEMBER OF THE ADVISORY~~
22 ~~COMMITTEE IS 3 YEARS.~~

23 ~~(II) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED~~
24 ~~AS REQUIRED BY THE TERMS PROVIDED FOR THE ADVISORY COMMITTEE MEMBERS~~
25 ~~AS OF OCTOBER 1, 2019.~~

26 ~~(III) AT THE END OF A TERM, AN APPOINTED MEMBER~~
27 ~~CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

28 ~~(6) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE~~
29 ~~ADVISORY COMMITTEE.~~

30 ~~(7) A MEMBER OF THE ADVISORY COMMITTEE;~~

~~(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
ADVISORY COMMITTEE; BUT~~

~~(H) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER
THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
BUDGET.~~

~~(S) THE ADVISORY COMMITTEE SHALL REVIEW AND APPROVE ALL
CHANGES TO THE PROGRAM, INCLUDING CHANGES TO FORMS AND REGULATIONS.~~

~~{(c)} {D} {If the Administration establishes a pilot program under subsection (a)
of this section, on} ON or before December 1 each year {the pilot program is in existence},
the Administration shall submit to the Senate Finance Committee and the House Health
and Government Operations Committee, in accordance with § 2-1246 of the State
Government Article, a report that includes, FOR EACH LOCAL BEHAVIORAL HEALTH
AUTHORITY PARTICIPATING IN THE PROGRAM:~~

(1) The number of individuals admitted into the {pilot} program during the
immediately preceding 12-month period;

(2) The number of applications for admission into the {pilot} program
submitted during the immediately preceding 12-month period;

(3) The cost of administering the {pilot} program for the immediately
preceding 12-month period;

(4) **FOR INDIVIDUALS ADMITTED INTO THE PROGRAM VOLUNTARILY
AND INVOLUNTARILY:**

(I) The percentage of individuals {admitted into the pilot program}
who adhered to the treatment plan established for the individual under the {pilot} program;

[(5)] (II) Treatment outcomes; AND

[(6)] (III) The type, intensity, and frequency of services provided to
individuals admitted into the {pilot} program; and

[(7)] (5) Any other information that may be useful in determining
whether {a permanent} ~~THE~~ outpatient civil commitment [process] PROGRAM should be
{established} ~~CONTINUED~~.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
appointed members of the Outpatient Civil Commitment Advisory Committee shall expire
as follows:~~

1 ~~(1) two members in 2021; and~~

2 ~~(2) three members in 2022.~~

3 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.