

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

A BILL ENTITLED

1 AN ACT concerning

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

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; and generally relating to a statewide outpatient civil commitment
19 program.

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 7.5–205.1
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2018 Supplement)

25 Preamble

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

16 **Article – Health – General**

17 7.5–205.1.

18 (a) (1) The Administration [may] **SHALL** establish [an] **A STATEWIDE**
19 outpatient civil commitment [pilot] program to allow for the release of an individual who
20 is involuntarily admitted for inpatient treatment under § 10–632 of this article on condition
21 of the individual’s admission into the [pilot] program.

22 (2) **A LOCAL BEHAVIORAL HEALTH AUTHORITY MAY CHOOSE**
23 **WHETHER TO PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM**
24 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

25 (3) **IF A LOCAL BEHAVIORAL HEALTH AUTHORITY CHOOSES TO**
26 **PARTICIPATE IN THE OUTPATIENT CIVIL COMMITMENT PROGRAM ESTABLISHED**
27 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL BEHAVIORAL HEALTH**
28 **AUTHORITY SHALL COORDINATE COMMUNITY-BASED TREATMENT FOR**
29 **INDIVIDUALS ADMITTED TO THE PROGRAM.**

30 [(b) If the Administration establishes a pilot program under subsection (a) of this
31 section, the Administration shall:

32 (1) Adopt criteria an individual must meet in order to be admitted into the
33 pilot program;

34 (2) Establish application, hearing, and notice requirements; and

1 (3) Specify the rights of an individual who may be or who has been
2 admitted into the pilot program.]

3 **(B) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS**
4 **IMPLEMENTING THIS SECTION, IN CONSULTATION WITH THE OUTPATIENT CIVIL**
5 **COMMITMENT ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (C) OF**
6 **THIS SECTION.**

7 **(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION SHALL:**

9 **(I) ESTABLISH THE REQUIRED CRITERIA FOR AN INDIVIDUAL**
10 **TO BE ADMITTED INTO THE PROGRAM;**

11 **(II) ESTABLISH APPLICATION, HEARING, AND NOTICE**
12 **REQUIREMENTS;**

13 **(III) SPECIFY THE RIGHTS OF AN INDIVIDUAL WHO MAY BE OR**
14 **WHO HAS BEEN ADMITTED INTO THE PROGRAM; AND**

15 **(IV) ALLOW AN INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER**
16 **OF AN INDIVIDUAL TO PETITION FOR THE INDIVIDUAL'S VOLUNTARY ADMISSION**
17 **INTO THE PROGRAM.**

18 **(C) (1) THERE IS AN OUTPATIENT CIVIL COMMITMENT ADVISORY**
19 **COMMITTEE.**

20 **(2) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING**
21 **MEMBERS:**

22 **(I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR**
23 **THE DEPUTY SECRETARY'S DESIGNEE;**

24 **(II) ONE REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH**
25 **AUTHORITY PARTICIPATING IN THE PROGRAM;**

26 **(III) ONE REPRESENTATIVE OF THE STATE-DESIGNATED**
27 **PROTECTION AND ADVOCACY AGENCY;**

28 **(IV) ONE REPRESENTATIVE OF THE MENTAL HEALTH**
29 **ASSOCIATION OF MARYLAND;**

30 **(V) ONE REPRESENTATIVE OF THE NATIONAL ALLIANCE ON**

1 **MENTAL ILLNESS OF MARYLAND; AND**

2 **(VI) ONE REPRESENTATIVE OF THE OFFICE OF**
3 **ADMINISTRATIVE HEARINGS.**

4 **(3) THE ADMINISTRATION SHALL APPOINT THE MEMBERS OF THE**
5 **ADVISORY COMMITTEE LISTED IN PARAGRAPH (2)(II) THROUGH (VI) OF THIS**
6 **SUBSECTION.**

7 **(4) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE**
8 **DEPUTY SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE ADVISORY**
9 **COMMITTEE.**

10 **(5) (I) THE TERM OF AN APPOINTED MEMBER OF THE ADVISORY**
11 **COMMITTEE IS 3 YEARS.**

12 **(II) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED**
13 **AS REQUIRED BY THE TERMS PROVIDED FOR THE ADVISORY COMMITTEE MEMBERS**
14 **AS OF OCTOBER 1, 2019.**

15 **(III) AT THE END OF A TERM, AN APPOINTED MEMBER**
16 **CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17 **(6) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE**
18 **ADVISORY COMMITTEE.**

19 **(7) A MEMBER OF THE ADVISORY COMMITTEE:**

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

22 **(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER**
23 **THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
24 **BUDGET.**

25 **(8) THE ADVISORY COMMITTEE SHALL REVIEW AND APPROVE ALL**
26 **CHANGES TO THE PROGRAM, INCLUDING CHANGES TO FORMS AND REGULATIONS.**

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

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

3 (2) The number of applications for admission into the [pilot] program
4 submitted during the immediately preceding 12-month period;

5 (3) The cost of administering the [pilot] program for the immediately
6 preceding 12-month period;

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

9 (I) The percentage of individuals [admitted into the pilot program]
10 who adhered to the treatment plan established for the individual under the [pilot] program;

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

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

14 [(7)] (5) Any other information that may be useful in determining
15 whether [a permanent] **THE** outpatient civil commitment [process] **PROGRAM** should be
16 [established] **CONTINUED**.

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

20 (1) two members in 2021; and

21 (2) three members in 2022.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2019.