

HOUSE BILL 766

O4, F5, O1

2lr2519
CF SB 656

By: **Delegate Kaiser**

Introduced and read first time: February 3, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2022

CHAPTER _____

1 AN ACT concerning

2 **Children – Residential Treatment Centers – Education Funding**

3 FOR the purpose of authorizing certain core service agencies, local behavioral health
4 authorities, and local addictions authorities to approve certain funding for certain
5 youths' educational costs incurred during admission to residential treatment centers
6 under certain circumstances; and generally relating to certain core service agencies,
7 local behavioral health authorities, and local addictions authorities and certain
8 education funding for youths.

9 BY repealing and reenacting, without amendments,
10 Article – Education
11 Section 8–406
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 7.5–101(a), (g), and (k)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 10–1202
22 Annotated Code of Maryland

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.



(2019 Replacement Volume and 2021 Supplement)

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

Article – Education

8–406.

(a) In this section, “wraparound services”:

(1) Means individualized services, excluding regular school programs or services, that are provided to a child with a disability and the child’s family; and

(2) Includes the following services:

(i) Behavioral aide in home;

(ii) Education tutoring;

(iii) Family therapy;

(iv) Medication management;

(v) Respite care;

(vi) Vocational mentoring; and

(vii) Environmental accessibility adaptations.

(b) (1) A child with a disability who needs special education and related services that cannot be provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services.

(2) A child with a disability who needs special education and related services is eligible for an appropriate nonpublic educational placement under this section if a State or local agency provides documentation that the child cannot attend a public school in the local school system:

(i) Because of the child’s home circumstances; or

(ii) Subject to subsection (d)(1) and (2) of this section, because of medical necessity.

(c) (1) The cost of the nonpublic educational program shall be paid by the State and the county in which the child is domiciled in accordance with § 8–415(d) of this subtitle, as appropriate.

1 (2) Subject to availability of funding in the State budget, for a child who
2 qualifies for a nonpublic educational program under subsection (b)(2) of this section and
3 who requires wraparound services in order to receive special education and related services
4 in the least restrictive environment, the cost of providing the services shall be paid by the
5 State and the county in which the child is domiciled in accordance with § 8–415(d) of this
6 subtitle, if a State or local agency documents that the child’s parent or legal guardian is
7 unable to provide the wraparound services.

8 (d) (1) Payment or reimbursement for a nonpublic program may not be
9 provided if the payment or reimbursement would require an additional contribution from
10 the State under § 8–415(d)(2) of this subtitle unless the Department approves:

- 11 (i) The nonpublic program;
- 12 (ii) The placement of the child in the program;
- 13 (iii) The cost of the program; and
- 14 (iv) The amount of payment or reimbursement.

15 (2) For wraparound services, payment or reimbursement may not be
16 provided in accordance with § 8–415(d) of this subtitle if:

- 17 (i) The child is eligible for funding for out-of-state placement of
18 children under departmental regulations; or
- 19 (ii) Alternative federal, State, or local funding is available.

20 (3) Department approval is not required for a nonpublic program if:

- 21 (i) The local school system approves the placement of the child in
22 the program; and
- 23 (ii) The local school system makes the payment or reimbursement
24 from local funds.

25 (4) The State Board shall adopt regulations that establish standards and
26 guidelines for approvals required by paragraph (3) of this subsection.

27 (e) A nonpublic placement recommended by a local school system for approval
28 under subsection (d)(1) of this section shall be approved or disapproved pursuant to the
29 regulations of the State Board. However, the Department may not disapprove a nonpublic
30 placement recommended by a local school system for a child unless the Department
31 provides an appropriate alternative placement in conformity with the regulations of the
32 State Board and applicable federal laws and regulations. The Department may not

1 terminate funding for the last approved nonpublic placement of a child during the pendency
2 of an administrative or judicial review of a recommended placement change.

3 (f) In addition to meeting the requirements of this subtitle, a local school system
4 seeking nonpublic tuition payment shall obtain funding approval from the local
5 coordinating council and the State Coordinating Council in accordance with departmental
6 regulations.

7 Article – Health – General

8 7.5–101.

9 (a) In this title the following words have the meanings indicated.

10 (g) “Core service agency” means the designated county or multicounty authority
11 that is responsible for planning, managing, and monitoring publicly funded mental health
12 services.

13 (k) “Local behavioral health authority” means the designated county or
14 multicounty authority that is responsible for planning, managing, and monitoring publicly
15 funded mental health, substance–related disorder, and addictive disorder services.

16 10–1202.

17 (a) A core service agency, local addictions authority, or local behavioral health
18 authority shall:

19 (1) Be an agent of a county or Baltimore City government which may
20 include a local health department;

21 (2) Unless an exception is requested by an individual county and is granted
22 by the Secretary, serve a county or counties with an estimated population of over 80,000
23 people;

24 (3) Either purchase services or provide the services directly;

25 (4) Annually submit a program plan to the secretaries of the affected State
26 departments for review and to the Director for approval; and

27 (5) Meet the standards required under this subtitle and, as needed, the
28 rules and regulations set by the Secretary.

29 (b) A core service agency, local addictions authority, or local behavioral health
30 authority may not be a for–profit entity.

31 (c) Each core service agency, local addictions authority, or local behavioral health
32 authority shall function under the Secretary’s authority.

1 (d) Once established in a jurisdiction, the core service agency, local addictions
2 authority, or local behavioral health authority shall:

3 (1) Submit, on an annual basis, a program plan to the Director for
4 approval;

5 (2) Incorporate in its method of governance a mechanism for the local
6 county mental health advisory committee, local drug and alcohol abuse council, or joint
7 mental health and substance-related committee to serve as the advisory committee to the
8 core service agency, local addictions authority, or local behavioral health authority and, if
9 serving more than 1 unit of government, a method of representation serving those
10 jurisdictions;

11 (3) Implement guidelines developed by the Director which establish or
12 designate the authority of the local mental health advisory committee, local drug and
13 alcohol abuse council, or joint mental health and substance-related committee to advise
14 and assist in the planning and evaluation of the publicly funded mental health and
15 substance-related disorder services;

16 (4) In accordance with guidelines developed by the Director, develop
17 planning, management, and accountability mechanisms for the delivery of services
18 including:

19 (i) Case management;

20 (ii) Data collection which satisfies the Department's requirements
21 for client tracking and incorporates clear outcome measures to enable the local entity to
22 govern itself and monitor and evaluate the system; and

23 (iii) A yearly summary which includes at a minimum:

24 1. Relevant financial statements; and

25 2. Program evaluation reports which articulate the core
26 service agency's, local addictions authority's, or local behavioral health authority's ability
27 to identify the outcomes of services provided for the target populations and the effects of
28 those services on program planning for the target population;

29 (5) As an agent of county government, function in any of the following
30 organizational structures:

31 (i) A unit of county or Baltimore City government;

32 (ii) A local health department;

33 (iii) A quasi-public authority; or

1 (iv) A private, nonprofit corporation;

2 (6) Be authorized to screen individuals for whom voluntary or involuntary
3 admission is being initiated to determine whether a less restrictive alternative can be
4 provided; [and]

5 (7) **SUBJECT TO THE AVAILABILITY OF FUNDING IN THE STATE**
6 **BUDGET, BE AUTHORIZED TO APPROVE FUNDING FOR A YOUTH’S EDUCATIONAL**
7 **COSTS INCURRED DURING A RESIDENTIAL TREATMENT CENTER ADMISSION MADE**
8 **FOR MEDICAL OR PSYCHIATRIC PURPOSES IN ACCORDANCE WITH ITEM (6) OF THIS**
9 **SUBSECTION IF THE EDUCATIONAL COSTS ARE NOT COVERED UNDER § 8-406 OF**
10 **THE EDUCATION ARTICLE; AND**

11 (8) Provide clear guidelines to avoid either the appearance or occurrence of
12 conflicts of interest in the direction and operation of the core service agency, local addictions
13 authority, or local behavioral health authority or organizations which provide mental
14 health or substance-related services.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) It is the intent of the General Assembly that general funds be provided in
17 fiscal year 2024 and each fiscal year thereafter to the Maryland Department of Health to
18 carry out Section 1 of this Act.

19 (b) Any general funds appropriated under subsection (a) of this section shall be
20 used for administrative and educational costs under § 10-1202(d)(7) of the Health –
21 General Article, as enacted by Section 1 of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, ~~2022~~ 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.