

# SENATE BILL 460

J1, J5

2lr1691  
CF HB 517

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By: ~~Senator Augustine~~ Senators Augustine and Hester

Introduced and read first time: January 27, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Consumer Health Access Program for Mental Health and Addiction Care~~  
3 ~~Establishment~~  
4 Health – Insurance Coverage Information

5 FOR the purpose of establishing that the Health Education Advocacy Unit in the Office of  
6 the Attorney General is the State’s office of consumer assistance under a certain  
7 federal law; establishing the Consumer Health Access Program for Mental Health  
8 and Addiction Care to assist State residents in accessing mental health and  
9 substance use disorder services under public and private health insurance and  
10 address insurance-related barriers to mental health and substance use disorder  
11 services; establishing certain requirements on the Program relating to consumer  
12 medical records and other information; establishing the Consumer Health Access  
13 Program for Mental Health and Addiction Care Fund as a special, nonlapsing fund;  
14 requiring interest earnings of the Fund to be credited to the Fund; establishing the  
15 Consumer Health Access Program Advisory Council for certain purposes; and  
16 generally relating to ~~the Consumer Health Access Program for Mental Health and~~  
17 ~~Addiction Care~~ health insurance coverage information.

18 BY repealing and reenacting, with amendments,  
19 Article – Commercial Law  
20 Section 13–4A–01  
21 Annotated Code of Maryland  
22 (2013 Replacement Volume and 2021 Supplement)

23 BY adding to

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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 Article – Health – General  
 2 Section 13–4401 through ~~13–4409~~ 13–4410 to be under the new subtitle “Subtitle 44.  
 3 Consumer Health Access Program for Mental Health and Addiction Care”  
 4 Annotated Code of Maryland  
 5 (2019 Replacement Volume and 2021 Supplement)

6 BY repealing and reenacting, without amendments,  
 7 Article – State Finance and Procurement  
 8 Section 6–226(a)(2)(i)  
 9 Annotated Code of Maryland  
 10 (2021 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
 12 Article – State Finance and Procurement  
 13 Section 6–226(a)(2)(ii)144. and 145.  
 14 Annotated Code of Maryland  
 15 (2021 Replacement Volume)

16 BY adding to  
 17 Article – State Finance and Procurement  
 18 Section 6–226(a)(2)(ii)146.  
 19 Annotated Code of Maryland  
 20 (2021 Replacement Volume)

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

23 **Article – Commercial Law**

24 13–4A–01.

25 (A) There is a Health Education and Advocacy Unit in the Division.

26 (B) **THE HEALTH EDUCATION AND ADVOCACY UNIT IS THE STATE’S OFFICE**  
 27 **OF HEALTH INSURANCE CONSUMER ASSISTANCE UNDER § 1002 OF THE FEDERAL**  
 28 **PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

29 **Article – Health – General**

30 **SUBTITLE 44. CONSUMER HEALTH ACCESS PROGRAM FOR MENTAL HEALTH AND**  
 31 **ADDICTION CARE.**

32 **13–4401.**

33 (A) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
 34 **INDICATED.**

1 (B) "CONNECTOR ENTITY REGIONS" MEANS THE EIGHT GEOGRAPHICAL  
2 REGIONS IN MARYLAND THAT HAVE BEEN DESIGNATED BY THE MARYLAND HEALTH  
3 BENEFIT EXCHANGE FOR PURPOSES OF INSURANCE-RELATED OUTREACH,  
4 EDUCATION, AND ENROLLMENT UNDER THE PATIENT PROTECTION AND  
5 AFFORDABLE CARE ACT.

6 (C) "CONSUMER ASSISTANCE SERVICES" MEANS SERVICES WITH THE  
7 PURPOSES OF:

8 (1) PROVIDING ADMINISTRATIVE ASSISTANCE TO PROGRAM  
9 PARTICIPANTS TO ENROLL IN HEALTH COVERAGE PLANS FOR WHICH THE  
10 PARTICIPANTS QUALIFY;

11 (2) ASSISTING PROGRAM PARTICIPANTS TO ACCESS TREATMENT FOR  
12 MENTAL HEALTH AND SUBSTANCE USE DISORDERS;

13 (3) COMMUNICATING AND COORDINATING WITH HEALTH COVERAGE  
14 PLANS ON BEHALF OF PROGRAM PARTICIPANTS AND THEIR PROVIDERS REGARDING  
15 COVERAGE FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT  
16 UNDER THE TERMS OF THE HEALTH COVERAGE PLAN IN WHICH THE PROGRAM  
17 PARTICIPANT IS ENROLLED;

18 (4) OFFERING TO CONNECT PROGRAM PARTICIPANTS TO FEDERAL  
19 AND STATE GOVERNMENTAL AGENCIES OR AUTHORITIES THAT PROVIDE  
20 ASSISTANCE TO CONSUMERS IN PURSUING CONTRACTUAL OR ADMINISTRATIVE  
21 APPEALS, GRIEVANCES, OR COMPLAINTS AGAINST OR RELATED TO HEALTH  
22 COVERAGE PLANS WITH RESPECT TO MENTAL HEALTH AND SUBSTANCE USE  
23 DISORDER BENEFIT CLAIMS;

24 (5) ASSISTING PROGRAM PARTICIPANTS TO PURSUE CONTRACTUAL,  
25 ADMINISTRATIVE, OR JUDICIAL COMPLAINTS AGAINST HEALTH COVERAGE PLANS  
26 FOR FAILURE TO PROVIDE MENTAL HEALTH OR SUBSTANCE USE DISORDER  
27 BENEFITS REQUIRED BY CONTRACT OR UNDER FEDERAL OR STATE LAW, INCLUDING  
28 PROVIDING LEGAL REPRESENTATION;

29 (6) PROVIDING OUTREACH AND EDUCATION TO PROGRAM  
30 PARTICIPANTS AND CONSUMERS REGARDING ACCESS TO MENTAL HEALTH AND  
31 SUBSTANCE USE DISORDER TREATMENT SERVICES UNDER HEALTH COVERAGE  
32 PLANS; AND

33 (7) PROVIDING CONSUMER EDUCATION MATERIALS REGARDING  
34 ACCESSING COVERAGE FOR MENTAL HEALTH AND SUBSTANCE USE DISORDERS  
35 UNDER HEALTH COVERAGE PLANS AND RIGHTS UNDER FEDERAL AND STATE LAW

1 OTHER THAN CONSUMER EDUCATION INFORMATION PROVIDED UNDER § 2-303.1 OF  
2 THE INSURANCE ARTICLE.

3 ~~(C)~~ (D) “FUND” MEANS THE CONSUMER HEALTH ACCESS PROGRAM FOR  
4 MENTAL HEALTH AND ADDICTION CARE FUND.

5 ~~(D)~~ (E) “HEALTH COVERAGE PLAN” MEANS ~~HEALTH INSURANCE~~  
6 ~~COVERAGE FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS~~  
7 ~~OFFERED BY ANY PAYER OF HEALTH CARE SERVICES, INCLUDING~~  
8 ~~STATE REGULATED INDIVIDUAL AND GROUP PLANS, FULLY INSURED AND~~  
9 ~~SELF INSURED EMPLOYER SPONSORED PLANS, THE STATE EMPLOYEE HEALTH~~  
10 ~~AND WELFARE BENEFITS PROGRAM;~~

11 (1) A HEALTH BENEFIT PLAN AS DEFINED IN § 2-112.2 OF THE  
12 INSURANCE ARTICLE;

13 (2) A SELF-FUNDED HEALTH PLAN;

14 (3) THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

15 (4) THE MARYLAND CHILDREN’S HEALTH PROGRAM, ~~MEDICARE,~~  
16 ~~TRICARE, AND;~~

17 (5) MEDICARE;

18 (6) TRICARE; AND

19 (7) VETERANS ADMINISTRATION HEALTH BENEFITS.

20 ~~(E)~~ (F) “HUB ENTITY” MEANS THE PRIVATE, COMMUNITY-BASED,  
21 NONPROFIT CORPORATION OR ORGANIZATION WITH OFFICES LOCATED IN THE  
22 STATE OR A PUBLIC UNIVERSITY IN THE STATE SELECTED BY THE INCUBATOR  
23 ENTITY AND RESPONSIBLE FOR OPERATING THE PROGRAM.

24 ~~(F)~~ (G) “INCUBATOR ENTITY” MEANS THE UNIVERSITY OF MARYLAND  
25 BALTIMORE SCHOOL OF SOCIAL WORK CENTER FOR ADDICTION RESEARCH,  
26 EDUCATION, AND SERVICES.

27 ~~(G)~~ (H) “MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT” OR  
28 “PARITY ACT” MEANS THE PAUL WELLSTONE AND PETE DOMENICI MENTAL  
29 HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND IMPLEMENTING  
30 REGULATIONS 45 C.F.R. § 146.136 AND 29 C.F.R. § 2590.712.

1       ~~(H)~~ (I)       “PROGRAM” MEANS THE CONSUMER HEALTH ACCESS PROGRAM  
2 FOR MENTAL HEALTH AND ADDICTION CARE.

3       ~~(I)~~ (J)       “PROVIDER” MEANS:

4               ~~(1) A LICENSED OR CERTIFIED PRACTITIONER WHOSE SCOPE OF~~  
5 ~~PRACTICE INCLUDES THE PROVISION OF MENTAL HEALTH OR SUBSTANCE USE~~  
6 ~~DISORDER TREATMENT;~~

7               ~~(2) A FACILITY LICENSED TO PROVIDE MENTAL HEALTH OR~~  
8 ~~SUBSTANCE USE DISORDER TREATMENT; OR~~

9               ~~(3) A CERTIFIED PEER COUNSELOR WHO PROVIDES SUPPORT~~  
10 ~~SERVICES TO PATIENTS WITH MENTAL HEALTH OR SUBSTANCE USE DISORDERS A~~  
11 PHYSICIAN, FACILITY, INCLUDING A HOSPITAL, OR OTHER PERSON THAT IS  
12 LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PROVIDE MENTAL HEALTH  
13 CARE OR SUBSTANCE USE DISORDER TREATMENT SERVICES OR SERVICES  
14 PROVIDED IN CONNECTION WITH MENTAL HEALTH CARE OR SUBSTANCE USE  
15 DISORDER TREATMENT.

16       ~~(J)~~ (K)       “SPECIALTY ENTITY” MEANS A PRIVATE, COMMUNITY-BASED,  
17 NONPROFIT CORPORATION OR ORGANIZATION WITH OFFICES LOCATED IN THE  
18 STATE THAT ENTERS INTO A CONTRACT WITH THE HUB ENTITY TO ASSIST IN THE  
19 DELIVERY OF CONSUMER ASSISTANCE SERVICES.

20       ~~(K)~~ (L)       “SPOKE ENTITY” MEANS THE PRIVATE, COMMUNITY-BASED,  
21 NONPROFIT CORPORATION OR ORGANIZATION WITH OFFICES LOCATED IN THE  
22 STATE THAT ENTERS INTO A CONTRACT WITH THE HUB ENTITY TO PROVIDE  
23 CONSUMER ASSISTANCE SERVICES IN ONE OF THE EIGHT CONNECTOR ENTITY  
24 REGIONS.

25 13-4402.

26       (A) THERE IS A CONSUMER HEALTH ACCESS PROGRAM FOR MENTAL  
27 HEALTH AND ADDICTION CARE.

28       (B) THE PURPOSES OF THE PROGRAM ARE TO:

29               ~~(1) ASSIST STATE RESIDENTS IN ACCESSING MENTAL HEALTH AND~~  
30 ~~SUBSTANCE USE DISORDER SERVICES UNDER PUBLIC AND PRIVATE HEALTH~~  
31 ~~INSURANCE~~ PROVIDE CONSUMER ASSISTANCE SERVICES; AND

32               ~~(2) ADDRESS INSURANCE-RELATED BARRIERS TO MENTAL HEALTH~~  
33 ~~AND SUBSTANCE USE DISORDER SERVICES THROUGH CONSUMER OUTREACH AND~~

~~EDUCATION, CLIENT ASSISTANCE AND REPRESENTATION, DATA COLLECTION AND ANALYSIS, AND RESOLUTION OF SYSTEM-WIDE BARRIERS~~ COLLECT AND ANALYZE DATA FROM PROGRAM PARTICIPANTS AND PROVIDERS TO IDENTIFY AND HELP RESOLVE BARRIERS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT.

(C) THE PROGRAM SHALL BE ADMINISTERED BY THE INCUBATOR ENTITY AND A HUB ENTITY SELECTED BY THE INCUBATOR ENTITY.

13-4403.

(A) THERE IS A CONSUMER HEALTH ACCESS PROGRAM FOR MENTAL HEALTH AND ADDICTION CARE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO THE INCUBATOR ENTITY, HUB ENTITY, AND SPOKE AND SPECIALTY ENTITIES TO CARRY OUT THE RESPONSIBILITIES OF THE PROGRAM.

(C) THE INCUBATOR ENTITY AND THE HUB ENTITY SELECTED BY THE INCUBATOR ENTITY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INTEREST EARNINGS CREDITED TO THE FUND UNDER SUBSECTION (F)(2) OF THIS SECTION; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(G) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN:

1                   **(I) TO CARRY OUT THE PURPOSE AND ACTIVITIES OF THE**  
 2 **PROGRAM; AND**

3                   **(II) IN ACCORDANCE WITH THE STATE BUDGET.**

4           **(H) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS**  
 5 **SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT**  
 6 **OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.**

7 **13-4404.**

8           **CONTINGENT ON THE RECEIPT OF STATE FUNDING FOR THE PROGRAM, THE**  
 9 **INCUBATOR ENTITY SHALL IMPLEMENT THE PROGRAM BY:**

10           **(1) ON OR BEFORE ~~JULY~~ JANUARY 1, 2023, CONDUCTING AND**  
 11 **COMPLETING AN APPLICATION PROCESS TO SELECT A HUB ENTITY FOR THE**  
 12 **PROGRAM THAT MEETS CRITERIA ESTABLISHED BY THE INCUBATOR ENTITY THAT**  
 13 **SHALL INCLUDE THAT THE HUB ENTITY HAVE ISSUING A REQUEST FOR PROPOSALS**  
 14 **FOR A HUB ENTITY;**

15           **(2) ON OR BEFORE JULY 1, 2023, SELECTING AN ENTITY TO SERVE AS**  
 16 **THE HUB ENTITY THAT HAS:**

17                   **(I) A PUBLIC INTEREST MISSION;**

18                   **(II) ~~QUALIFIED STAFF~~ STAFF WHO REPRESENT THE RACIAL,**  
 19 **ETHNIC, AND GENDER DIVERSITY OF RESIDENTS OF THE STATE AND INCLUDE**  
 20 **INDIVIDUALS WITH PERSONAL EXPERIENCE IN ACCESSING TREATMENT FOR**  
 21 **MENTAL HEALTH AND SUBSTANCE USE DISORDERS;**

22                   **(III) STAFF WHO ARE QUALIFIED BY EDUCATION, TRAINING,**  
 23 **EXPERIENCE, AND, IF APPLICABLE, LICENSURE, CERTIFICATION, OR REGISTRATION**  
 24 **TO PROVIDE CONSUMER ASSISTANCE SERVICES;**

25                   **(III) ORGANIZATIONAL EXPERTISE OR DEMONSTRATED**  
 26 **CAPACITY TO DEVELOP EXPERTISE IN:**

27                           **1. MENTAL HEALTH AND SUBSTANCE USE DISORDER**  
 28 **SERVICES;**

29                           **2. INSURANCE COVERAGE OF MENTAL HEALTH AND**  
 30 **SUBSTANCE USE DISORDER SERVICES;**

~~3. PUBLIC OUTREACH AND EDUCATION ON INSURANCE  
COVERAGE AND SUBSTANCE USE DISORDER TREATMENT;~~

~~4. CLIENT ASSISTANCE AND REPRESENTATION TO  
RESOLVE INSURANCE DISPUTES;~~

~~5. THE MENTAL HEALTH PARITY AND ADDICTION  
EQUITY ACT STANDARDS; AND~~

~~6. DATA GATHERING AND ANALYSIS;~~

(IV) NO DIRECT INVOLVEMENT IN THE LICENSING,  
CERTIFICATION, OR ACCREDITATION OF A MENTAL HEALTH OR SUBSTANCE USE  
DISORDER FACILITY OR A HEALTH COVERAGE PLAN;

(V) NO DIRECT OWNERSHIP OR INVESTMENT IN A MENTAL  
HEALTH OR SUBSTANCE USE DISORDER FACILITY OR HEALTH COVERAGE PLAN;

(VI) NO PARTICIPATION IN THE MANAGEMENT OF A MENTAL  
HEALTH OR SUBSTANCE USE DISORDER FACILITY OR HEALTH COVERAGE PLAN;

(VII) NO AGREEMENT OR ARRANGEMENT WITH AN OWNER OR  
OPERATOR OF A MENTAL HEALTH OR SUBSTANCE USE DISORDER FACILITY OR A  
HEALTH COVERAGE PLAN THAT COULD DIRECTLY OR INDIRECTLY RESULT IN  
REMUNERATION, IN CASH OR IN KIND, TO THE ENTITY; ~~AND~~

(VIII) 1. NO AGREEMENT OR ARRANGEMENT WITH AN OWNER  
OR OPERATOR OF A MENTAL HEALTH OR SUBSTANCE USE DISORDER FACILITY THAT  
COULD DIRECTLY OR INDIRECTLY RESULT IN REMUNERATION, IN CASH OR IN KIND,  
TO THE ENTITY; OR

2. A POLICY THAT ADDRESSES ANY POTENTIAL  
CONFLICT OF INTEREST RELATED TO THE DELIVERY OF PROGRAM SERVICES AND  
THE DELIVERY OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES; AND

(IX) ADOPTED AND MAINTAINS A HEALTH INFORMATION  
SECURITY SYSTEM PROGRAM THAT MEETS THE HEALTH INSURANCE PORTABILITY  
AND ACCOUNTABILITY ACT OF 1996 CRITERIA AS APPLICABLE;

~~(2) (3) ASSISTING THE HUB ENTITY IN SELECTING~~ SELECTING AND  
ENTERING INTO AN AGREEMENT AGREEMENTS, DIRECTLY OR THROUGH A HUB  
ENTITY, TO DELIVER CONSUMER ASSISTANCE SERVICES WITH ONE SPOKE ENTITY IN  
EACH OF THE EIGHT CONNECTOR ENTITY REGIONS THAT MEETS THE CRITERIA  
ESTABLISHED BY THE HUB ENTITY LISTED IN ITEM (2) OF THIS SECTION;



1           ~~(3)~~ (4)       ~~ASSISTING THE HUB ENTITY IN SELECTING~~ SELECTING AND  
 2 ENTERING INTO AGREEMENTS, DIRECTLY OR THROUGH A HUB ENTITY, TO DELIVER  
 3 CONSUMER ASSISTANCE SERVICES WITH ONE OR MORE SPECIALTY ENTITIES, AS  
 4 NEEDED, THAT MEET THE CRITERIA ~~ESTABLISHED BY THE HUB ENTITY~~ LISTED IN  
 5 ITEM (2) OF THIS SECTION; AND

6           ~~(4)~~ (5)       OFFERING TECHNICAL ASSISTANCE TO THE HUB ENTITY  
 7 UNDER AN AGREEMENT FOR A 3-YEAR PILOT PERIOD.

8 13-4405.

9           (A)       THE PROGRAM SHALL BE COMPOSED OF THE HUB ENTITY, EIGHT SPOKE  
 10 ENTITIES, A SPECIALTY ENTITY, AS NEEDED, AND VOLUNTEERS WITH APPROPRIATE  
 11 TRAINING AND SUPERVISION TO ASSIST WITH PROGRAM ACTIVITIES.

12           (B)       THE PROGRAM SHALL ~~OPERATE~~ CONDUCT A 3-YEAR PILOT PROGRAM  
 13 ~~TO HELP CONSUMERS, INCLUDING INDIVIDUALS WHO ARE UNINSURED OR HAVE~~  
 14 ~~PRIVATE OR PUBLIC HEALTH PLANS, AND PROVIDERS NAVIGATE AND RESOLVE~~  
 15 ~~ISSUES RELATED TO:~~

16           ~~(1)       HEALTH PLAN ENROLLMENT AND COVERAGE;~~

17           ~~(2)       CONSUMER ACCESS TO MENTAL HEALTH AND SUBSTANCE USE~~  
 18 ~~DISORDER SERVICES; AND~~

19           ~~(3)       ENFORCEMENT OF RIGHTS UNDER THE MENTAL HEALTH PARITY~~  
 20 ~~AND ADDICTION EQUITY ACT AND STATE AND FEDERAL INSURANCE LAWS~~ PROVIDE  
 21 CONSUMER ASSISTANCE SERVICES.

22           (C)       WITHIN 1 YEAR AFTER THE RECEIPT OF STATE ~~FUNDING FOR THE~~  
 23 ~~PROGRAM~~ FUNDS, THE PROGRAM SHALL:

24           ~~(1)       CONDUCT IN PERSON AND OTHER OUTREACH AND EDUCATION~~  
 25 ~~FOR RESIDENTS OF THE STATE TO IMPROVE HEALTH LITERACY REGARDING:~~

26           ~~(I)       MENTAL HEALTH AND SUBSTANCE USE DISORDER HEALTH~~  
 27 ~~BENEFIT COVERAGE AND AVAILABLE SERVICES;~~

28           ~~(II)       ENROLLMENT IN HEALTH PLANS;~~

29           ~~(III)       ACCESS TO MENTAL HEALTH AND SUBSTANCE USE~~  
 30 ~~DISORDER TREATMENT; AND~~

1 ~~(IV) RIGHTS UNDER THE MENTAL HEALTH PARITY AND~~  
2 ~~ADDICTION EQUITY ACT BEGIN PROVIDING CONSUMER ASSISTANCE SERVICES;~~

3 (2) ESTABLISH AND OPERATE A TOLL-FREE HELPLINE AND AN  
4 ON-LINE ASSISTANCE PORTAL TO ALLOW CONSUMERS, PROVIDERS WHO ARE  
5 ACTING ON BEHALF OF CONSUMERS, AND INDIVIDUALS WITHIN THE STATE'S  
6 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM ACCESS TO THE CONSUMER  
7 ASSISTANCE SERVICES OF THE PROGRAM;

8 ~~(3) ASSIST CONSUMERS AND PROVIDERS WHO ARE ACTING ON~~  
9 ~~BEHALF OF CONSUMERS IN RESOLVING ISSUES RELATED TO HEALTH PLAN~~  
10 ~~ENROLLMENT AND SERVICE COVERAGE AND ACCESS BY WORKING WITH~~  
11 ~~APPROPRIATE REGULATORY AGENCIES AND HEALTH PLAN REPRESENTATIVES;~~

12 ~~(4) ASSIST AND REPRESENT CONSUMERS IN THE FILING OF~~  
13 ~~COMPLAINTS, GRIEVANCES, AND APPEALS, INCLUDING:~~

14 ~~(I) COMPLAINTS THROUGH THE INTERNAL GRIEVANCE AND~~  
15 ~~EXTERNAL REVIEW PROCESS UNDER TITLE 15, SUBTITLE 10A OF THE INSURANCE~~  
16 ~~ARTICLE;~~

17 ~~(II) APPEALS OF COVERAGE DECISIONS UNDER TITLE 15,~~  
18 ~~SUBTITLE 10D OF THE INSURANCE ARTICLE;~~

19 ~~(III) EMPLOYER SPONSORED PLAN INTERNAL AND EXTERNAL~~  
20 ~~APPEAL PROCEDURES;~~

21 ~~(IV) MEDICAID FAIR HEARINGS; AND~~

22 ~~(V) MEDICARE APPEALS;~~

23 ~~(5) AS APPROPRIATE, WORK JOINTLY WITH STATE AGENCIES,~~  
24 ~~INCLUDING THE DEPARTMENT, THE MARYLAND INSURANCE ADMINISTRATION,~~  
25 ~~AND THE MARYLAND HEALTH BENEFIT EXCHANGE TO PROMOTE GREATER ACCESS~~  
26 ~~TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES AND RESOLUTION~~  
27 ~~OF CONSUMER COMPLAINTS;~~

28 ~~(6) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE~~  
29 ~~HEALTH EDUCATION AND ADVOCACY UNIT OF THE OFFICE OF THE ATTORNEY~~  
30 ~~GENERAL TO COORDINATE CONSUMER ASSISTANCE SERVICES AND ENSURE~~  
31 ~~EFFECTIVE AND NONDUPLICATIVE ASSISTANCE IN ADDRESSING HEALTH PLAN~~  
32 ~~COMPLAINTS AND APPEALS RELATED TO MENTAL HEALTH AND SUBSTANCE USE~~  
33 ~~DISORDER SERVICES;~~

1           ~~(7)~~ **(3)**       COLLECT AND ANALYZE DATA ON ALL CONSUMER  
2 ASSISTANCE SERVICES PROVIDED BY THE PROGRAM, INCLUDING DE-IDENTIFIED  
3 DEMOGRAPHIC INFORMATION ABOUT CONSUMERS PROGRAM PARTICIPANTS WHO  
4 SOUGHT AND RECEIVED ASSISTANCE, THE TYPES OF SERVICES PROVIDED, AND  
5 OUTCOMES OF THE ASSISTANCE PROVIDED;

6           ~~(8)~~ **(4)**       BASED ON DATA ACQUIRED FROM PROGRAM PARTICIPANTS  
7 AND PROGRAM PARTICIPANTS' PROVIDERS AND HEALTH COVERAGE PLANS:

8                   **(I)**     IDENTIFY TRENDS AND GAPS IN COVERAGE OF AND ACCESS  
9 TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES;

10                   **(II)**    IDENTIFY TRENDS IN VIOLATIONS OF THE MENTAL HEALTH  
11 PARITY AND ADDICTION EQUITY ACT; AND

12                   **(III)**   RECOMMEND POLICIES AND PRACTICES TO RESOLVE  
13 DEFICIENCIES IN COVERAGE AND ACCESS TO SERVICES;

14           ~~(9)~~ **(5)**       MAKE DATA, TREND ANALYSES, AND RECOMMENDATIONS  
15 AVAILABLE TO:

16                   **(I)**     MEMBERS OF THE PUBLIC;

17                   **(II)**    GOVERNMENT AGENCIES;

18                   **(III)**   THE OFFICE OF THE ATTORNEY GENERAL;

19                   **(IV)**   THE GENERAL ASSEMBLY; AND

20                   **(V)**    ANY OTHER ENTITY THAT THE PROGRAM DETERMINES  
21 APPROPRIATE;

22           ~~(10)~~ **(6)**       ~~CONDUCT ADVOCACY WORK~~ WITH GOVERNMENT AGENCIES  
23 IN THE STATE AND THE GENERAL ASSEMBLY TO ADDRESS SYSTEMIC GAPS IN  
24 ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES AND  
25 VIOLATIONS OF THE MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT; AND

26           ~~(11)~~ **(7)**       ISSUE AN ANNUAL REPORT THAT INCLUDES:

27                   **(I)**     AN ACCOUNTING OF ALL PROGRAM ACTIVITIES;

28                   **(II)**    AN EVALUATION OF THE PERFORMANCE OF THE PROGRAM;

29                   **(III)**   A COMPLETE FISCAL ACCOUNTING;

1 (IV) IDENTIFICATION OF INSURANCE GAPS AND ISSUES  
2 AFFECTING CONSUMERS AND PROVIDERS; AND

3 (V) RECOMMENDATIONS TO IMPROVE ACCESS TO MENTAL  
4 HEALTH AND SUBSTANCE USE DISORDER TREATMENT AND ENFORCEMENT OF THE  
5 MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT.

6 13-4406.

7 THE PROGRAM SHALL PROMOTE EQUITY IN ACCESS TO MENTAL HEALTH AND  
8 SUBSTANCE USE DISORDER SERVICES BY:

9 (1) ENSURING THAT ALL CONSUMER ASSISTANCE SERVICES INCLUDE  
10 AND REPRESENT THE DIVERSITY OF THE POPULATION OF THE STATE WITH RESPECT  
11 TO RACE, ETHNICITY, LANGUAGE, RELIGION, GENDER DIVERSITY, SEXUAL  
12 ORIENTATION, SOCIOECONOMIC STATUS, AND DISABILITY STATUS;

13 (2) ENTERING AGREEMENTS WITH SPOKE AND SPECIALTY ENTITIES  
14 THAT ARE LED BY AND SERVE BLACK, HISPANIC, ASIAN, INDIGENOUS, DISABILITY,  
15 AND GENDER DIVERSE COMMUNITIES AND SEEKING INPUT FROM DIVERSE  
16 COMMUNITIES IN CONSUMER ASSISTANCE SERVICE DEVELOPMENT;

17 (3) EMPLOYING INDIVIDUALS WITH LIVED EXPERIENCE IN MENTAL  
18 HEALTH AND SUBSTANCE USE DISORDER TREATMENT, INCLUDING INDIVIDUALS  
19 ENGAGED IN PEER SERVICE DELIVERY;

20 (4) DELIVERING CULTURALLY COMPETENT SERVICES THAT ARE  
21 RESPONSIVE TO THE DIVERSE NEEDS OF RESIDENTS OF THE STATE AND PROVIDING  
22 SERVICES IN MULTIPLE LANGUAGES;

23 (5) PROMOTING ACCESS BY OFFERING SERVICES THROUGH  
24 MULTIPLE MODALITIES, INCLUDING IN-PERSON, TELEPHONE, AND INTERNET  
25 SERVICES; AND

26 (6) ~~COLLECTING~~ REQUESTING, COLLECTING, AND ANALYZING  
27 DEMOGRAPHIC DATA FROM PROGRAM PARTICIPANTS TO ADDRESS IDENTIFY  
28 DISPARITIES IN ACCESSING MENTAL HEALTH AND SUBSTANCE USE DISORDER  
29 SERVICES BY RACE, ETHNICITY, GENDER, AND GENDER IDENTITY.

30 13-4407.

31 (A) THE PROGRAM:

1           ~~(1) MAY REQUEST, OBTAIN, AND USE THE MEDICAL OR OTHER~~  
2 ~~RECORDS OF A CONSUMER IN THE POSSESSION OF A HEALTH PLAN OR MENTAL~~  
3 ~~HEALTH OR SUBSTANCE USE DISORDER PROVIDER IF THE PROGRAM RECEIVES THE~~  
4 ~~APPROPRIATE CONSENT FROM THE INDIVIDUAL OR THE LEGAL REPRESENTATIVE~~  
5 ~~OF THE INDIVIDUAL~~ DEVELOP CONSENT FORMS THAT AUTHORIZE ONE OR MORE  
6 SPECIFICALLY IDENTIFIED, HUB, SPOKE, OR SPECIALTY ENTITIES CONDUCTING  
7 CONSUMER ASSISTANCE SERVICES TO REQUEST, OBTAIN, AND USE THE MEDICAL  
8 RECORDS OF A PROGRAM PARTICIPANT;

9           (2) SHALL USE AND DISCLOSE AN INDIVIDUAL'S RECORDS IN  
10 COMPLIANCE WITH THE FEDERAL CONFIDENTIALITY OF ALCOHOL AND DRUG  
11 ABUSE PATIENT RECORDS REGULATION, 42 C.F.R. PART 2, THE HEALTH  
12 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, ~~45 C.F.R. §§ 160 AND PARTS~~  
13 160, 164, AND 170, AS APPLICABLE, AND STATE HEALTH PRIVACY STANDARDS; AND

14           (3) MAY NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION  
15 ABOUT A CONSUMER IN ANY FORM OTHER THAN AGGREGATE DATA IN ANY PUBLIC  
16 DOCUMENT ~~UNLESS THE INDIVIDUAL OR LEGAL REPRESENTATIVE OF THE~~  
17 ~~INDIVIDUAL HAS PROVIDED THE APPROPRIATE CONSENT FOR RELEASE OF~~  
18 ~~INFORMATION.~~

19           (B) THE PROGRAM SHALL REQUEST AND PROMPTLY RECEIVE, WITH  
20 REASONABLE NOTICE ~~AND THE APPROPRIATE AUTHORIZATION, THE COOPERATION,~~  
21 ASSISTANCE, INFORMATION, AND RECORDS FROM STATE AGENCIES SPECIFICALLY  
22 RELATED TO A PROGRAM PARTICIPANT'S COMPLAINT, AS NECESSARY, TO ENABLE  
23 THE PROGRAM TO INVESTIGATE A CONSUMER'S THE PROGRAM PARTICIPANT'S  
24 COMPLAINT.

25 13-4408.

26           THE PROGRAM SHALL PUBLISH A NOTICE CONCERNING THE SERVICES  
27 OFFERED BY THE PROGRAM ~~THAT AND SHALL BE POSTED IN A CONSPICUOUS~~  
28 ~~LOCATION AND INCLUDED IN WRITTEN MATERIALS BY~~ DISSEMINATE THE NOTICE  
29 TO:

30           (1) ~~EACH EMPLOYER~~ EMPLOYERS IN THE STATE THAT PROVIDES  
31 PROVIDE HEALTH INSURANCE OR A HEALTH COVERAGE PLAN;

32           (2) MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS  
33 AND CRISIS SERVICES; AND

34           (3) OTHER ENTITIES ~~ON REASONABLE REQUEST~~ IDENTIFIED BY THE  
35 PROGRAM.

1 **13-4409.**

2 (A) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL THE  
3 FOLLOWING AMOUNTS TO THE FUND:

4 (1) \$1,000,000 FOR FISCAL YEAR 2024;

5 (2) \$1,000,000 FOR FISCAL YEAR 2025; AND

6 (3) \$1,000,000 FOR FISCAL YEAR 2026.

7 ~~(B) (1) THE APPROPRIATION TO THE FUND FOR FISCAL YEAR 2024~~  
8 ~~UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE USED TO FUND THE~~  
9 ~~INCUBATOR ENTITY TO CARRY OUT THE ACTIVITIES SPECIFIED UNDER § 13-4404 OF~~  
10 ~~THIS SUBTITLE.~~

11 ~~(2) THE APPROPRIATIONS FOR FISCAL YEARS 2025 AND 2026 UNDER~~  
12 ~~SUBSECTION (A)(2) AND (3) OF THIS SECTION SHALL BE USED TO FUND THE HUB~~  
13 ~~ENTITY, ANY SPOKE AND SPECIALTY ENTITIES CONTRACTED BY THE HUB ENTITY TO~~  
14 ~~CARRY OUT THE ACTIVITIES SPECIFIED UNDER § 13-4405 OF THIS SUBTITLE, AND~~  
15 ~~ANY ACTIVITIES CONDUCTED BY THE INCUBATOR ENTITY IN FISCAL YEARS 2025 AND~~  
16 ~~2026.~~

17 ~~(C) (B) (1) THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
18 SUBSECTION, THE PROGRAM MAY APPLY FOR AND ACCEPT GRANTS, GIFTS, AND  
19 OTHER FUNDS FROM FEDERAL AND STATE PROGRAMS AND FOUNDATIONS AND  
20 PRIVATE DONATIONS FOR THE PURPOSE OF CARRYING OUT THE PROGRAM'S  
21 RESPONSIBILITIES.

22 (2) ONLY THE HEALTH EDUCATION AND ADVOCACY UNIT OF  
23 THE OFFICE OF THE ATTORNEY GENERAL MAY APPLY FOR GRANTS UNDER § 1002  
24 OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT FOR  
25 FEDERAL CONSUMER ASSISTANCE PROGRAM FUNDING PURPOSES.

26 **13-4410.**

27 THE PROGRAM SHALL USE THE FULL NAME OF THE PROGRAM IN ANY  
28 ADVERTISING AND IN ANY WRITTEN COMMUNICATIONS.

29 **Article – State Finance and Procurement**

30 **6-226.**

31 (a) (2) (i) Notwithstanding any other provision of law, and unless  
32 inconsistent with a federal law, grant agreement, or other federal requirement or with the

1 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 2 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 3 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 4 Fund of the State.

5 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
 6 to the following funds:

7 144. the Health Equity Resource Community Reserve Fund;  
 8 [and]

9 145. the Access to Counsel in Evictions Special Fund; AND

10 **146. THE CONSUMER HEALTH ACCESS PROGRAM FOR**  
 11 **MENTAL HEALTH AND ADDICTION CARE FUND.**

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

13 (a) There is a Consumer Health Access Program Advisory Council.

14 (b) The Council consists of not more than 15 members, including:

15 (1) one representative of the Maryland Insurance Administration,  
 16 designated by the Maryland Insurance Commissioner;

17 (2) one representative of the Behavioral Health Administration,  
 18 designated by the Secretary of Health;

19 (3) one representative of the Maryland Medicaid Administration,  
 20 designated by the Secretary of Health;

21 (4) one representative of the Health Education and Advocacy Unit of the  
 22 Office of the Attorney General, designated by the head of the Unit;

23 (5) one representative of the Maryland Health Benefit Exchange,  
 24 designated by the Executive Director of the Exchange; and

25 (6) one representative of the following persons, designated by the  
 26 University of Maryland Baltimore School of Social Work Center for Addiction Research,  
 27 Education, and Services:

28 (i) consumers of mental health and substance use disorder services;

29 (ii) an organization that works with peer coaches or is a peer  
 30 association;

31 (iii) an association that represents mental health providers;

- 1                   (iv) an association that represents substance use disorder providers;
- 2                   (v) an organization that conducts crisis services;
- 3                   (vi) an organization that works on behalf of marginalized individuals  
4 to achieve health equity;
- 5                   (vii) an organization with expertise in the Mental Health Parity and  
6 Addiction Equity Act;
- 7                   (viii) an organization that conducts outreach to individuals with  
8 mental health and substance use disorders; and
- 9                   (ix) a county health department.

10           (c) The Council shall meet quarterly to perform the following functions:

11                   (1) advise the University of Maryland Baltimore School of Social Work  
12 Center for Addiction Research, Education, and Services on design and operations of the  
13 Consumer Health Access Program for Mental Health and Addiction Care;

14                   (2) recommend improvements for the Consumer Health Access Program for  
15 Mental Health and Addiction Care; and

16                   (3) review data on cases handled by the Consumer Health Access Program  
17 for Mental Health and Addiction Care and make recommendations based on the data.

18           SECTION 3. AND BE IT FURTHER ENACTED, That:

19                   (a) Section 2 of this Act shall terminate contingent on the termination of the pilot  
20 program operated by the Consumer Health Access Program for Mental Health and  
21 Addiction Care under § 13-4405(b) of the Health – General Article, as enacted by Section  
22 1 of this Act.

23                   (b) If the pilot program terminates, Section 2 of this Act, with no further action  
24 required by the General Assembly, shall be abrogated and of no further force and effect.

25                   (c) The Consumer Health Access Program for Mental Health and Addiction Care  
26 established under § 13-4402 of the Health – General Article, as enacted by Section 1 of this  
27 Act, shall notify the Department of Legislative Services within 5 days after the pilot  
28 program terminates.

29           SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2022.