

# SENATE BILL 283

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3lr1311  
CF HB 418

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By: **Senator Augustine**

Introduced and read first time: January 26, 2023

Assigned to: Budget and Taxation and Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2023

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

1 AN ACT concerning

2 **Mental Health – Workforce Development – Fund Established**

3 FOR the purpose of establishing the Behavioral Health Workforce Investment Fund as a  
4 special, nonlapsing fund; requiring that the interest earnings of the Fund be credited  
5 to the Fund; requiring the Maryland Health Care Commission to conduct a  
6 comprehensive behavioral health workforce needs assessment on or before a certain  
7 date; and generally relating to the Behavioral Health Workforce Investment Fund.

8 BY adding to

9 Article – Health – General

10 Section 10–1601 through 10–1603 to be under the new subtitle “Subtitle 16.  
11 Behavioral Health Workforce Investment Fund”

12 Annotated Code of Maryland

13 (2019 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – State Finance and Procurement

16 Section 6–226(a)(2)(i)

17 Annotated Code of Maryland

18 (2021 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – State Finance and Procurement

21 Section 6–226(a)(2)(ii) 170. and 171.

22 Annotated Code of Maryland

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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.



(2021 Replacement Volume and 2022 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)172.

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

**Article – Health – General**

**SUBTITLE 16. BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND.**

**10–1601.**

IN THIS SUBTITLE, “FUND” MEANS THE BEHAVIORAL HEALTH WORKFORCE  
INVESTMENT FUND ESTABLISHED UNDER § 10–1602 OF THIS SUBTITLE.

**10–1602.**

(A) THERE IS A BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE REIMBURSEMENT FOR  
COSTS ASSOCIATED WITH EDUCATING, TRAINING, CERTIFYING, RECRUITING,  
PLACING, AND RETAINING BEHAVIORAL HEALTH PROFESSIONALS AND  
PARAPROFESSIONALS.

(C) THE DEPARTMENT 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 SHALL CONSIST OF:

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

(2) INTEREST EARNINGS OF THE FUND; AND

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

1           **(F) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE OF**  
2 **THE FUND.**

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

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

7           **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
8 **WITH THE STATE BUDGET.**

9           **(I) MONEY EXPENDED FROM THE FUND FOR CARRYING OUT THE PURPOSE**  
10 **OF THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**  
11 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CARRYING OUT THE**  
12 **PURPOSE OF THE FUND.**

13           **(J) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PART OF THE**  
14 **FUND MAY REVERT OR BE CREDITED TO:**

15                   **(1) THE GENERAL FUND OF THE STATE; OR**

16                   **(2) ANY OTHER SPECIAL FUND OF THE STATE.**

17           **(K) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**  
18 **AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

19 **10-1603.**

20           **ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2024, THE**  
21 **DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATIVE POLICY COMMITTEE,**  
22 **THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE**  
23 **APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE**  
24 **GOVERNMENT ARTICLE, THAT INCLUDES:**

25                   **(1) FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE AMOUNT**  
26 **OF FUNDS TRANSFERRED AND DISTRIBUTED FROM THE FUND IN ACCORDANCE**  
27 **WITH § 10-1602 OF THIS SUBTITLE;**

28                   **(2) FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE NUMBER**  
29 **OF BEHAVIORAL HEALTH PROFESSIONALS AND PARAPROFESSIONALS EDUCATED,**  
30 **TRAINED, RECRUITED, CERTIFIED, PLACED, OR RETAINED WITH MONEY FROM THE**  
31 **FUND, AGGREGATED BY:**

- 1                   **(I) THE TYPE OF PROFESSIONAL OR PARAPROFESSIONAL;**  
 2                   **(II) GEOGRAPHIC REGION;**  
 3                   **(III) RACE; AND**  
 4                   **(IV) ETHNICITY;**  
 5                   **(3) THE AMOUNT OF ANY UNSPENT FUNDS IN THE FUND AT THE END**  
 6 **OF THE IMMEDIATELY PRECEDING FISCAL YEAR; AND**  
 7                   **(4) IF UNSPENT FUNDS ARE IDENTIFIED UNDER ITEM (3) OF THIS**  
 8 **SECTION, THE REASONS WHY THE FUNDS WERE NOT SPENT.**

9                   **Article – State Finance and Procurement**

10 6–226.

11           (a) (2) (i) Notwithstanding any other provision of law, and unless  
 12 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
 13 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 14 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 15 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 16 Fund of the State.

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

19                                   170. the Cannabis Public Health Fund; [and]

20                                   171. the Community Reinvestment and Repair Fund; **AND**

21                                   **172. THE BEHAVIORAL HEALTH WORKFORCE**  
 22 **INVESTMENT FUND.**

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

24           (a) On or before December 1, 2023, the Maryland Health Care Commission, in  
 25 coordination with the Behavioral Health Administration, the Maryland Higher Education  
 26 Commission, the Maryland Department of Labor, the Career and Technical Education  
 27 Committee, and other interested stakeholders, shall conduct a comprehensive behavioral  
 28 health workforce needs assessment.

29           (b) The assessment shall:

1 (1) determine the immediate, intermediate, and long-term unmet need  
2 and capacity of the behavioral health workforce in the State, including demographics and  
3 gaps in specific professionals and paraprofessionals, accounting for retirements and other  
4 turnover;

5 (2) calculate the total number of additional behavioral health professionals  
6 and paraprofessionals needed over the next 5 years, 10 years, and 20 years;

7 (3) make findings and recommendations regarding the types of training,  
8 education, and tuition assistance programs necessary to certify, recruit, place, supervise,  
9 and retain the additional behavioral health professionals and paraprofessionals identified  
10 in item (2) of this subsection; and

11 (4) recommend an initial allocation to the Behavioral Health Workforce  
12 Investment Fund established under § 10-1602 of the Health – General Article, as enacted  
13 by Section 1 of this Act, and identify specifically which programs the allocation will support  
14 and the number of professionals and paraprofessionals the allocation will train, certify,  
15 recruit, and place.

16 (c) On or before December 15, 2023, the Maryland Health Care Commission shall  
17 submit the assessment to the Senate Budget and Taxation Committee, the Senate Finance  
18 Committee, the House Appropriations Committee, and the House Health and Government  
19 Operations Committee, in accordance with § 2-1257 of the State Government Article.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.