

# SENATE BILL 283

J1, J2

(3lr1311)

## ENROLLED BILL

— Budget and Taxation and Finance/Health and Government Operations —

Introduced by **Senator Augustine**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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)

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, without amendments,  
2 Article – State Finance and Procurement  
3 Section 6–226(a)(2)(i)  
4 Annotated Code of Maryland  
5 (2021 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – State Finance and Procurement  
8 Section 6–226(a)(2)(ii)170. and 171.  
9 Annotated Code of Maryland  
10 (2021 Replacement Volume and 2022 Supplement)

11 BY adding to  
12 Article – State Finance and Procurement  
13 Section 6–226(a)(2)(ii)172.  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2022 Supplement)

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

18 **Article – Health – General**

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

20 **10–1601.**

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

23 **10–1602.**

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

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

29 **(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

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

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

3           **(E) THE FUND SHALL CONSIST OF:**

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

5                 **(2) INTEREST EARNINGS OF THE FUND; AND**

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

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

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

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

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

16           **(I) MONEY EXPENDED FROM THE FUND FOR CARRYING OUT THE PURPOSE**  
17 **OF THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**  
18 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CARRYING OUT THE**  
19 **PURPOSE OF THE FUND.**

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

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

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

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

26 **10-1603.**

27           **ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2024, THE**  
28 **DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATIVE POLICY COMMITTEE,**  
29 **THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE**

1 APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
2 GOVERNMENT ARTICLE, THAT INCLUDES:

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

6 (2) FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE NUMBER  
7 OF BEHAVIORAL HEALTH PROFESSIONALS AND PARAPROFESSIONALS EDUCATED,  
8 TRAINED, RECRUITED, CERTIFIED, PLACED, OR RETAINED WITH MONEY FROM THE  
9 FUND, AGGREGATED BY:

10 (I) THE TYPE OF PROFESSIONAL OR PARAPROFESSIONAL;

11 (II) GEOGRAPHIC REGION;

12 (III) RACE; AND

13 (IV) ETHNICITY;

14 (3) THE AMOUNT OF ANY UNSPENT FUNDS IN THE FUND AT THE END  
15 OF THE IMMEDIATELY PRECEDING FISCAL YEAR; AND

16 (4) IF UNSPENT FUNDS ARE IDENTIFIED UNDER ITEM (3) OF THIS  
17 SECTION, THE REASONS WHY THE FUNDS WERE NOT SPENT.

18 **Article – State Finance and Procurement**

19 6-226.

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

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

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

29 171. the Community Reinvestment and Repair Fund; AND

1                                   **172. THE BEHAVIORAL HEALTH WORKFORCE**  
2 **INVESTMENT FUND.**

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

4           (a)    On or before ~~December 1, 2023~~ October 1, 2024, the Maryland Health Care  
5 Commission, in coordination with the Behavioral Health Administration, the Maryland  
6 Higher Education Commission, the Maryland Department of Labor, the Career and  
7 Technical Education Committee, and other interested stakeholders, shall conduct a  
8 comprehensive behavioral health workforce needs assessment.

9           (b)    The assessment shall:

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

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

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

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

25           (c)    On or before ~~December 15, 2023~~ October 15, 2024, the Maryland Health Care  
26 Commission shall submit the assessment to the Senate Budget and Taxation Committee,  
27 the Senate Finance Committee, the House Appropriations Committee, and the House  
28 Health and Government Operations Committee, in accordance with § 2-1257 of the State  
29 Government Article.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2023.