

SENATE BILL 362

J1, J3

3lr1318

By: **Senators Guzzone, Augustine, and Mautz**

Introduced and read first time: January 30, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Certified Community Behavioral Health Clinics – Established**

3 FOR the purpose of requiring, on or before a certain date, the Maryland Department of
4 Health to submit a State plan amendment to the Centers for Medicare and Medicaid
5 Services to establish certified community behavioral health clinics; requiring, if the
6 Centers for Medicare and Medicaid Services approves the amendment, the
7 Department to amend the State plan to cover certain services; requiring the
8 Department to establish certain payment systems for certified community
9 behavioral health clinics; and generally relating to certified community behavioral
10 health clinics.

11 BY adding to
12 Article – Health – General
13 Section 15–141.5
14 Annotated Code of Maryland
15 (2019 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 **15–141.5.**

20 **(A) IN THIS SECTION, “CERTIFIED COMMUNITY BEHAVIORAL HEALTH**
21 **CLINIC” MEANS A NONPROFIT COMPREHENSIVE COMMUNITY MENTAL HEALTH OR**
22 **SUBSTANCE USE TREATMENT ORGANIZATION LICENSED BY THE STATE THAT MEETS**
23 **THE FEDERAL CERTIFICATION CRITERIA OF § 223 OF THE FEDERAL PROTECTING**
24 **ACCESS TO MEDICARE ACT OF 2014 AND OFFERS, DIRECTLY OR INDIRECTLY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THROUGH FORMAL REFERRAL RELATIONSHIPS WITH OTHER PROVIDERS, THE
2 FOLLOWING SERVICES:

- 3 (1) OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES;
- 4 (2) 24-HOUR MOBILE CRISIS RESPONSE AND HOTLINE SERVICES;
- 5 (3) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK
6 ASSESSMENTS;
- 7 (4) PERSON-CENTERED TREATMENT PLANNING;
- 8 (5) PRIMARY CARE SCREENING AND MONITORING OF KEY
9 INDICATORS OF HEALTH RISKS;
- 10 (6) TARGETED CASE MANAGEMENT;
- 11 (7) PSYCHIATRIC REHABILITATION SERVICES;
- 12 (8) PEER SUPPORT AND FAMILY SUPPORTS;
- 13 (9) MEDICATION-ASSISTED TREATMENT;
- 14 (10) ASSERTIVE COMMUNITY TREATMENT; AND
- 15 (11) COMMUNITY-BASED MENTAL HEALTH CARE FOR MILITARY
16 SERVICE MEMBERS AND VETERANS.

17 (B) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL SUBMIT
18 A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID
19 SERVICES TO ESTABLISH CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN
20 ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE
21 ACT OF 2014.

22 (C) IF THE AMENDMENT SUBMITTED UNDER SUBSECTION (B) OF THIS
23 SECTION IS APPROVED, THE DEPARTMENT SHALL AMEND THE STATE PLAN IN
24 ACCORDANCE WITH TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY ACT AS
25 NECESSARY TO COVER:

26 (1) ALL REQUIRED SERVICES FOR INDIVIDUALS WITH MENTAL
27 HEALTH NEEDS OR SUBSTANCE USE DISORDERS AT CERTIFIED COMMUNITY
28 BEHAVIORAL HEALTH CLINICS THROUGH A DAILY BUNDLED PAYMENT
29 METHODOLOGY THAT IS IN ALIGNMENT WITH FEDERAL PAYMENT FROM THE

1 **CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE CERTIFIED**
2 **COMMUNITY BEHAVIORAL HEALTH CLINICS MEDICAID DEMONSTRATION UNDER §**
3 **223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE ACT OF 2014; AND**

4 **(2) ANY ADDITIONAL SERVICES IDENTIFIED BY THE DEPARTMENT.**

5 **(D) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS AND**
6 **METHODOLOGIES FOR A PROSPECTIVE PAYMENT SYSTEM TO REIMBURSE A**
7 **CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC UNDER THE PROGRAM ON A**
8 **PREDETERMINED FIXED AMOUNT PER DAY FOR COVERED SERVICES PROVIDED TO A**
9 **PROGRAM RECIPIENT.**

10 **(2) THE PROSPECTIVE PAYMENT RATE FOR A CERTIFIED COMMUNITY**
11 **BEHAVIORAL HEALTH CLINIC SHALL:**

12 **(I) BE ADJUSTED ONCE EVERY 3 YEARS BY THE MEDICARE**
13 **ECONOMIC INDEX IN ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING**
14 **ACCESS TO MEDICARE ACT OF 2014; AND**

15 **(II) ALLOW FOR MODIFICATIONS BASED ON A CHANGE IN SCOPE**
16 **FOR AN INDIVIDUAL CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.**

17 **(3) THE DEPARTMENT MAY CONSIDER RATE ADJUSTMENTS ON**
18 **REQUEST BY A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.**

19 **(E) (1) THE DEPARTMENT SHALL ESTABLISH A QUALITY INCENTIVE**
20 **PAYMENT SYSTEM FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC**
21 **THAT ACHIEVES SPECIFIED THRESHOLDS ON PERFORMANCE METRICS**
22 **ESTABLISHED BY THE DEPARTMENT.**

23 **(2) THE QUALITY INCENTIVE PAYMENT SYSTEM ESTABLISHED UNDER**
24 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE PROSPECTIVE**
25 **PAYMENT RATE ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
27 **1, 2023.**