

Chapter 867

(Senate Bill 991)

AN ACT concerning

Behavioral Health – Language Assistance Services Pilot Program

FOR the purpose of establishing the Language Assistance Services Pilot Program in the Behavioral Health Administration to provide grants to local behavioral health authorities to reimburse behavioral health providers for language assistance services for certain children, parents, and legal guardians; and generally relating to the Language Assistance Services Pilot Program.

BY adding to

Article – Health – General

Section 10–929 to be under the new part “Part V. Language Assistance Services Pilot Program”

Annotated Code of Maryland
(2023 Replacement Volume)

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

Article – Health – General

10–927. RESERVED.

10–928. RESERVED.

PART V. LANGUAGE ASSISTANCE SERVICES PILOT PROGRAM.

10–929.

(A) IN THIS SECTION, “PROGRAM” MEANS THE LANGUAGE ASSISTANCE SERVICES PILOT PROGRAM.

(B) THERE IS A LANGUAGE ASSISTANCE SERVICES PILOT PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO:

(1) PROVIDE MEANINGFUL ACCESS TO BEHAVIORAL HEALTH CARE TO CHILDREN WITH LIMITED ENGLISH PROFICIENCY; AND

(2) ESTABLISH A COMPETITIVE GRANT PROCESS FOR LOCAL BEHAVIORAL HEALTH AUTHORITIES TO PROVIDE REIMBURSEMENT TO BEHAVIORAL

HEALTH PROVIDERS FOR LANGUAGE ASSISTANCE SERVICES, INCLUDING INTERPRETATION AND TRANSLATION SERVICES TO:

(I) CHILDREN WITH LIMITED ENGLISH PROFICIENCY ACCESSING AND RECEIVING BEHAVIORAL HEALTH SERVICES; AND

(II) PARENTS AND LEGAL GUARDIANS COORDINATING THE PROVISION OF BEHAVIORAL HEALTH SERVICES AND MAKING HEALTH CARE DECISIONS REGARDING THE SERVICES ON BEHALF OF A CHILD.

(D) THE ADMINISTRATION SHALL ADMINISTER THE PROGRAM.

(E) ~~ON OR BEFORE OCTOBER 1, 2024, THE~~ *THE* ADMINISTRATION SHALL ~~ADOPT REGULATIONS TO IMPLEMENT AND ADMINISTER THE PROGRAM, INCLUDING REGULATIONS THAT ESTABLISH THE FOLLOWING~~ *THE FOLLOWING REQUIREMENTS AS PART OF ADMINISTERING THE PROGRAM:*

(1) A REQUIREMENT THAT A GRANTEE DOCUMENT AND REPORT:

(I) THE NUMBER OF CHILDREN WHO RECEIVED LANGUAGE ASSISTANCE SERVICES BROKEN DOWN BY PRIMARY LANGUAGE SPOKEN;

(II) THE NUMBER OF PARENTS AND LEGAL GUARDIANS WHO RECEIVED LANGUAGE ASSISTANCE SERVICES BROKEN DOWN BY PRIMARY LANGUAGE SPOKEN; AND

(III) THE NUMBER OF LANGUAGE ASSISTANCE SERVICES THAT WERE REIMBURSED BROKEN DOWN BY THE TYPE OF BEHAVIORAL HEALTH SERVICE PROVIDED; AND

(2) A REQUIREMENT THAT, TO REQUEST AND RECEIVE A REIMBURSEMENT FROM A PROGRAM GRANTEE, A HEALTH CARE PROVIDER MUST:

(I) BE A LICENSED AND ACCREDITED BEHAVIORAL HEALTH PROVIDER; AND

(II) HAVE A CURRENT, WRITTEN LANGUAGE ACCESS PLAN DEMONSTRATING HOW THE PROVIDER ENSURES MEANINGFUL ACCESS TO ITS PROGRAMS AND ACTIVITIES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

(F) THE LANGUAGE ACCESS PLAN REQUIRED UNDER SUBSECTION (E)(2)(II) OF THIS SECTION SHALL:

(1) BE PROVIDED TO THE GRANTEE IN ADDITION TO ANY REQUEST FOR REIMBURSEMENT FOR LANGUAGE ASSISTANCE SERVICES; AND

(2) INCLUDE:

(I) A SELF-ASSESSMENT OF THE CIRCUMSTANCES UNDER WHICH THE PROVIDER MAY ENCOUNTER AN INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY;

(II) A SELF-ASSESSMENT OF THE NUMBER OR PROPORTION OF INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY FROM EACH LANGUAGE GROUP IN THE PROVIDER'S SERVICE AREA TO DETERMINE APPROPRIATE LANGUAGE ASSISTANCE SERVICES;

(III) THE PROVIDER'S PROCEDURE FOR IDENTIFYING AN INDIVIDUAL'S PRIMARY LANGUAGE;

(IV) THE PROVIDER'S PROCEDURE FOR PROVIDING LANGUAGE ASSISTANCE SERVICES, INCLUDING ORAL AND WRITTEN LANGUAGE ASSISTANCE SERVICES;

(V) THE PROVIDER'S PROCEDURE FOR ENSURING EFFECTIVE COMMUNICATION WITH INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY IN LANGUAGES ENCOUNTERED LESS FREQUENTLY;

(VI) THE PROVIDER'S PLAN FOR TRAINING STAFF ON THE PROVIDER'S POLICIES AND PROCEDURES; AND

(VII) THE PROVIDER'S PROCEDURE FOR PROVIDING NOTICE OF LANGUAGE ASSISTANCE SERVICES AT NO COST TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

(G) FOR EACH OF FISCAL YEARS 2025 AND 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$120,000 TO THE PROGRAM.

(H) THE ADMINISTRATION SHALL AWARD, AT A MINIMUM, THREE GRANTS OF \$30,000 EACH IN EACH OF FISCAL YEARS 2025 AND 2026.

(I) ON OR BEFORE DECEMBER 1, 2025, 2026, AND 2027, THE ADMINISTRATION SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT ON THE IMPLEMENTATION OF THE PROGRAM THAT INCLUDES:

(1) THE TOTAL NUMBER OF INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY WHO RECEIVED LANGUAGE ASSISTANCE SERVICES BROKEN DOWN BY JURISDICTION;

(2) THE TOTAL NUMBER OF CHILDREN WHO RECEIVED LANGUAGE ASSISTANCE SERVICES BROKEN DOWN BY PRIMARY LANGUAGE SPOKEN;

(3) THE TOTAL NUMBER OF PARENTS AND LEGAL GUARDIANS WHO RECEIVED LANGUAGE ASSISTANCE SERVICES BROKEN DOWN BY PRIMARY LANGUAGE SPOKEN;

(4) THE TOTAL NUMBER OF LANGUAGE ASSISTANCE SERVICES THAT WERE REIMBURSED BROKEN DOWN BY THE TYPE OF BEHAVIORAL HEALTH SERVICE PROVIDED; AND

(5) THE TOTAL AMOUNT IN GRANT MONEY PROVIDED TO EACH GRANTEE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. It shall remain effective for a period of 4 years and, at the end of June 30, 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2024.