

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1100 (Delegate Cardin)

Health and Government Operations and
Judiciary

Health - Child Advocacy Centers - Reporting Requirements and Investigations

This bill authorizes the Secretary of Health to investigate a complaint against (1) a facility or an entity that operates as a “child advocacy center” (CAC) or (2) an individual who provides behavioral health care services in a CAC. A person subject to a complaint may be subject to a civil fine of up to \$5,000. The Secretary may delegate this authority to a health occupations board, the Office of Health Care Quality, or the Maryland Office of the Inspector General (OIG) for Health. The Inspector General (IG) for the Maryland OIG for Health may investigate a complaint against a facility, an entity, or an individual that operates or provides services at a CAC if the Secretary delegates such authority. Each CAC must report specified information to the Behavioral Health Administration (BHA), and the BHA Director must include the information received in an existing report (due annually on December 1) on behavioral health services for children and young adults in the State. The Secretary may adopt regulations to carry out the bill.

Fiscal Summary

State Effect: As discussed below, general fund expenditures for the OIG for Health increase to the extent that specified complaints are filed and the bill’s authority to investigate is exercised. BHA can likely implement the additional reporting requirements using existing budgeted resources. Revenues are not materially affected.

Local Effect: Local jurisdictions that operate a CAC can implement the reporting requirements using existing resources. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Child advocacy center” means a child-focused entity within or outside a health care facility that investigates, diagnoses, and treats children who may have been abused or neglected that (1) includes local law enforcement officers, local criminal prosecutors, and the local department of social services and (2) may include child mental health services providers and other children and family service providers.

Each CAC must report to BHA annually for the purpose of (1) providing information to the State regarding the behavioral health care services being provided outside a regulated health care facility and (2) ensuring that standards are in place to protect individuals receiving and providing behavioral health care services at a CAC. The report must include:

- the names and license numbers of the behavioral health care providers who are providing services in the CAC;
- the scope of the behavioral health care services being provided by the CAC; and
- the CAC’s operating policies and guidelines for providing quality of care and continuity of care, as specified.

Current Law:

Child Advocacy Centers

Pursuant to the Criminal Procedure Article, the Governor’s Office of Crime Prevention and Policy (GOCCP) must establish and sustain CACs in the State and ensure that every child in the State has access to a CAC.

CACs (1) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities; (2) must be developed and located to facilitate their use by alleged victims residing in the surrounding area; (3) must assist in the response to or investigation of allegations of sexual crimes against children and sexual abuse of minors; (4) may assist in the response to or investigation of allegations of child abuse and neglect or a crime of violence in the presence of a minor; (5) must provide a level of care that meets or exceeds national accreditation standards established by the Maryland Statewide Organization for Child Advocacy Centers; and (6) must be included in all joint investigation procedures, as specified. GOCCP may contract with public or private nonprofit organizations to operate CACs.

GOCCP must contract with a nonprofit organization that represents urban, rural, and suburban CACs in the State to establish the statewide organization. The purpose of the statewide organization is to provide training, technical assistance, data collection, and

capacity building to meet local, State, and national requirements for CACs. The statewide organization must establish standards for CACs in the State that meet national accreditation standards and include specified items, including cultural competency and diversity, medical evaluations, mental health services, a formal case review process, and forensic interviews that are neutral, fact finding, and avoid duplicative interviewing.

Money for CACs (1) must be distributed in accordance with a formula agreed on by the statewide organization and GOCCP; (2) must be used to supplement, and not supplant, money that the program receives from other sources; and (3) may be used to assist centers in meeting required standards, as specified.

Maryland Office of Inspector General for Health

Pursuant to the Health-General Article, the IG for Health may investigate fraud, waste, and abuse of departmental funds. The IG must cooperate and coordinate investigative efforts with the Medicaid Fraud Control Unit, departmental programs, and other State and federal agencies to ensure a provider is not subject to duplicative audits. The IG (or a designated assistant IG) may subpoena any person or evidence, administer oaths, and take depositions and other testimony as part of an investigation of (1) fraud, waste, or abuse of departmental funds or (2) behavior in the Maryland Department of Health (MDH) that threatens public safety or demonstrates negligence, incompetence, or malfeasance.

Within 30 business days after receiving a complaint or allegation, the IG, the compliance officer, or a designated assistant IG must respond to the individual who filed the complaint or allegation with (1) a preliminary indication of whether the Maryland OIG for Health is able to investigate the complaint or allegation and (2) if not, the reason for not being able to do so (unless doing so would have a negative impact on or jeopardize a specified investigation) and the contact information for the Office of Legislative Audits Fraud Hotline.

Report on Behavioral Health Services for Children and Young Adults

By December 1 each year the Director of BHA must (1) prepare a report (in consultation with interested stakeholders) on behavioral health services for children and young adults in the State, as specified and (2) submit an annual report to the Governor and the General Assembly. The most recent [report](#) was submitted in September 2023.

State Expenditures:

Office of Inspector General for Health

While the bill is authorizing in nature, based on information provided by MDH, this

analysis assumes that MDH delegates the investigation of specified complaints related to a CAC to the OIG for Health. MDH advises that implementing this authority requires additional personnel including one investigator and one auditor at a cost of \$141,088 in fiscal 2025 increasing to \$189,383 in fiscal 2029. The Department of Legislative Services (DLS) advises that the need for additional personnel is dependent on (1) the number of complaints filed against a CAC or an individual providing behavioral health services at a CAC and (2) the extent to which the OIG for Health exercises the bill's authority. Thus, the need for additional personnel cannot be reliably estimated at this time and can only be determined with actual experience under the bill. Nevertheless, general fund expenditures for MDH likely increase beginning in fiscal 2025.

Behavioral Health Administration

MDH advises that the bill's requirement to include specified additional information regarding CACs in the existing annual report on Behavioral Health Services for Children and Young Adults requires the hiring of a health policy analyst to (1) develop, implement, and maintain data collection and reporting processes; (2) perform data analysis; and (3) assist in the writing of an annual report. DLS advises that the information required to be reported by each of 24 CACs statewide is not data intensive and must be included in an existing annual report. Moreover, the Department of Human Services advises that not all of the CACs offer behavioral health services. Thus, BHA can likely implement the additional reporting requirements using existing budgeted resources.

Additional Comments: According to the Maryland Children's Alliance, there are 24 CACs – child-friendly facilities where children who experience abuse may participate in a forensic interview, medical examination, mental health treatment, and receive advocacy services – operating statewide.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 1110 (Senator Muse) - Rules.

Information Source(s): Maryland Department of Health; Department of Human Services; Maryland Children's Alliance; Department of Legislative Services

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