

SENATE BILL 988

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By: **Senator Lam**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Maryland Medical Assistance Program – Self-Directed Mental Health Services – Pilot Program

FOR the purpose of establishing the Self-Directed Mental Health Services Pilot Program in the Maryland Department of Health to facilitate access to certain self-directed services in the most integrated setting appropriate for certain recipients of services under the Maryland Medical Assistance Program; and generally relating to the Self-Directed Mental Health Services Pilot Program.

BY adding to

Article – Health – General

Section 15–1201 through 15–1207 to be under the new subtitle “Subtitle 12. Self-Directed Mental Health 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

SUBTITLE 12. SELF-DIRECTED MENTAL HEALTH SERVICES PILOT PROGRAM.

15–1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “INDIVIDUAL-DIRECTED GOODS AND SERVICES” MEANS SERVICES, EQUIPMENT, ACTIVITIES, OR SUPPLIES FOR INDIVIDUALS WHO

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SELF-DIRECT SERVICES THAT:

(I) RELATE TO A NEED OR GOAL IDENTIFIED IN THE PERSON-CENTERED PLAN OF SERVICE;

(II) MAINTAIN OR INCREASE INDEPENDENCE;

(III) PROMOTE OPPORTUNITIES FOR COMMUNITY LIVING AND INCLUSION; AND

(IV) FACILITATE ACCESS TO CLINICALLY APPROPRIATE, CULTURALLY RESPONSIVE, PERSON-CENTERED CARE.

(2) "INDIVIDUAL-DIRECTED GOODS AND SERVICES" INCLUDES ALL GOODS OR SERVICES AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER § 1915 OF THE SOCIAL SECURITY ACT.

(C) "PARTICIPANT" MEANS AN INDIVIDUAL SELECTED BY THE DEPARTMENT UNDER § 15-1204(B) OF THIS SUBTITLE TO PARTICIPATE IN THE PILOT PROGRAM.

(D) "PERSON-CENTERED PLAN OF SERVICE" MEANS A PLAN FOR SERVICES AND SUPPORTS THAT:

(1) IS DEVELOPED WITH A FOCUS ON THE INDIVIDUAL HAVING CONTROL OVER THE SERVICES AND SUPPORTS;

(2) ENSURES THAT THE INDIVIDUAL IS THE PRIMARY CONTRIBUTOR TO THE PLAN AND MAY RECEIVE SUPPORT FROM OTHER PERSONS SELECTED BY THE INDIVIDUAL IN DEVELOPING THE PLAN;

(3) IDENTIFIES AND ADDRESSES, TO THE EXTENT PRACTICABLE:

(I) THE INDIVIDUAL'S PREFERENCES AND INTERESTS RELATED TO ACHIEVING THE INDIVIDUAL'S DESIRED LIFESTYLE;

(II) THE SUPPORTS REQUIRED TO ACHIEVE THE INDIVIDUAL'S DESIRED LIFESTYLE THAT WILL BE PROVIDED IN A MANNER THAT ENABLES THE INDIVIDUAL TO HAVE CONTROL OVER THE INDIVIDUAL'S DAILY LIFE AND MAINTAINS THE INDIVIDUAL'S HEALTH AND WELFARE;

(III) THE SERVICES AND SUPPORTS REQUIRED TO PREVENT,

MITIGATE, AND MANAGE A MENTAL HEALTH, SUBSTANCE USE, OR SOMATIC HEALTH CRISIS IN THE LEAST RESTRICTIVE SETTING APPROPRIATE TO AN INDIVIDUAL'S NEEDS, INCLUDING PAYMENT FOR PEER RESPITE, IN-HOME RESPITE, OR OTHER COMMUNITY-BASED CRISIS SERVICE; AND

(IV) THE SUPPORTS AND SERVICES AN INDIVIDUAL MAY NEED TO SUPPORT THE INDIVIDUAL'S DECISION MAKING IN THE EVENT THE INDIVIDUAL IS UNABLE TO MAKE OR COMMUNICATE THE INDIVIDUAL'S OWN DECISIONS DUE TO DISABILITY, SUCH AS COMPLETION OF SUPPORTED DECISION-MAKING AGREEMENTS, PSYCHIATRIC ADVANCED DIRECTIVES, AND IDENTIFICATION OF NATURAL SUPPORTS; AND

(4) ALIGNS SERVICES AND SUPPORTS TO ENSURE THAT THE INDIVIDUAL HAS ACCESS TO THE FULL BENEFITS OF COMMUNITY LIVING IN A MANNER THAT EMPHASIZES THE INDIVIDUAL'S QUALITY OF LIFE, WELL-BEING, AND INFORMED CHOICE.

(E) "PILOT PROGRAM" MEANS THE SELF-DIRECTED MENTAL HEALTH SERVICES PILOT PROGRAM.

(F) (1) "SELF-DIRECTED SERVICES" MEANS SERVICES:

(I) OVER WHICH PARTICIPANTS OR THEIR REPRESENTATIVES HAVE DECISION-MAKING AUTHORITY;

(II) FOR WHICH PARTICIPANTS OR THEIR REPRESENTATIVES TAKE DIRECT RESPONSIBILITY FOR MANAGEMENT OF THE SERVICES WITH THE ASSISTANCE OF AVAILABLE SUPPORTS CHOSEN BY THE PARTICIPANT OR THE PARTICIPANT'S REPRESENTATIVE; AND

(III) THAT ARE PROVIDED IN A MANNER THAT:

1. FURTHERS THE RIGHT OF INDIVIDUALS TO MAKE CHOICES ABOUT AND DIRECT ALL ASPECTS OF THEIR LIVES, INCLUDING BY CHOOSING AND CONTROLLING THE DELIVERY OF MENTAL HEALTH AND SUBSTANCE-RELATED SUPPORT SERVICES, WHO PROVIDES THE SERVICES, AND HOW SERVICES ARE PROVIDED; AND

2. RECOGNIZES THAT ALL INDIVIDUALS HAVE THE CAPACITY TO MAKE CHOICES AND MAY BE SUPPORTED IN MAKING CHOICES WHEN GIVEN ADEQUATE SUPPORT.

(2) "SELF-DIRECTED SERVICES" INCLUDES SERVICES THAT:

(I) PROVIDE AN INDIVIDUAL WITH:

1. THE DECISION-MAKING AUTHORITY TO RECRUIT, HIRE, TRAIN, SUPERVISE, AND DISMISS SERVICE PROVIDERS AND VENDORS WHO PROVIDE THE INDIVIDUAL'S SERVICES; AND

2. AUTHORITY OVER HOW FUNDS IN AN INDIVIDUAL'S SELF-DIRECTED SERVICES BUDGET ARE SPENT WITHIN THE TOTAL APPROVED ANNUAL BUDGET;

(II) MAXIMIZE THE OPPORTUNITIES OF AN INDIVIDUAL TO LIVE AS INDEPENDENTLY AS POSSIBLE IN THE MOST INCLUSIVE COMMUNITY-BASED SETTING OF THE INDIVIDUAL'S CHOICE;

(III) EMPOWER AN INDIVIDUAL TO EXERCISE CHOICE AND CONTROL OVER NEEDED SERVICES AND SUPPORTS; AND

(IV) HELP TO MAINTAIN AND IMPROVE THE INDIVIDUAL'S HEALTH AND QUALITY OF LIFE IN THE INDIVIDUAL'S COMMUNITY.

(G) "SUPPORT BROKER" MEANS A PERSON WHO WORKS AT THE DIRECTION OF AND FOR THE BENEFIT OF AN INDIVIDUAL WHO USES SELF-DIRECTED SERVICES, INCLUDING BY ASSISTING THE INDIVIDUAL OR ANOTHER INDIVIDUAL CHOSEN BY THE INDIVIDUAL WITH:

(1) MAKING INFORMED DECISIONS IN ARRANGING FOR, DIRECTING, AND MANAGING SERVICES THE INDIVIDUAL RECEIVES, INCLUDING DECISIONS RELATED TO PERSONNEL REQUIREMENTS AND RESOURCES NEEDED TO MEET THE REQUIREMENTS;

(2) ACCESSING AND MANAGING IDENTIFIED SUPPORTS AND SERVICES FOR THE INDIVIDUAL; AND

(3) PERFORMING OTHER TASKS AS ASSIGNED BY THE INDIVIDUAL AND AS AUTHORIZED BY THE DEPARTMENT.

15-1202.

THERE IS A SELF-DIRECTED MENTAL HEALTH SERVICES PILOT PROGRAM IN THE DEPARTMENT.

15-1203.

THE PURPOSE OF THE PILOT PROGRAM IS TO FACILITATE ACCESS TO CLINICALLY APPROPRIATE, PERSON-CENTERED, CULTURALLY RESPONSIVE, AND TRAUMA-INFORMED SELF-DIRECTED SERVICES IN THE MOST INTEGRATED SETTING APPROPRIATE TO AN INDIVIDUAL'S NEEDS.

15-1204.

(A) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.

(B) (1) THE DEPARTMENT SHALL IDENTIFY 100 ADULTS TO PARTICIPATE IN THE PILOT PROGRAM:

(I) WHO ARE RECIPIENTS UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND

(II) WHOSE BEHAVIORAL HEALTH NEEDS INDICATE THAT THE INDIVIDUAL MAY BENEFIT FROM RECEIVING SELF-DIRECTED SERVICES.

(2) WHEN SELECTING INDIVIDUALS TO PARTICIPATE IN THE PILOT PROGRAM, THE DEPARTMENT SHALL GIVE PRIORITY TO INDIVIDUALS:

(I) WHO HAVE BEEN EXCLUDED FROM OR UNSUCCESSFUL IN ASSERTIVE COMMUNITY TREATMENT OR OTHER SERVICES OFFERED IN THE PUBLIC BEHAVIORAL HEALTH SYSTEM;

(II) WITH MULTIPLE DISABILITIES;

(III) WITH SEVERE MENTAL ILLNESS WITH TRAUMA-RELATED DISORDERS;

(IV) WHOSE CULTURAL NEEDS ARE UNSERVED IN THE PUBLIC BEHAVIORAL HEALTH SYSTEM; OR

(V) AT RISK FOR INSTITUTIONALIZATION.

(C) THE PILOT PROGRAM SHALL BE OPERATIONAL FOR A 3-YEAR PERIOD.

(D) THE DEPARTMENT SHALL PROVIDE TO A PARTICIPANT:

(1) INDIVIDUAL-DIRECTED GOODS AND SERVICES IN AN AMOUNT BASED ON THE AVAILABILITY OF FUNDS AND THE RECIPIENT'S NEEDS AS CALCULATED ON AN ANNUAL BASIS, AND INCLUDED IN THE RECIPIENT'S

PERSON-CENTERED PLAN OF SERVICES, INCLUDING REIMBURSEMENT FOR:

- (I) CLINICAL MENTAL HEALTH SERVICES;**
- (II) MEDICATIONS AND MEDICATION CO-PAYS;**
- (III) AUXILIARY AIDS AND SERVICES;**
- (IV) TRANSPORTATION;**
- (V) VOCATIONAL TRAINING AND SUPPORTS;**
- (VI) TECHNOLOGY;**
- (VII) GOODS AND SERVICES NEEDED TO ASSIST WITH MEAL PREPARATION;**
- (VIII) HOMEMAKER SERVICES;**
- (IX) TENANCY-SUSTAINING SUPPORTS, INCLUDING RENTAL ASSISTANCE;**
- (X) COMMUNITY-BASED CRISIS SUPPORTS, INCLUDING PEER RESPITE, IN-HOME RESPITE, AND PERSONAL ASSISTANCE SERVICES; AND**
- (XI) CARE COORDINATION, PEER SUPPORT, AND ADVOCACY SERVICES;**
- (2) A SUPPORT BROKER TO HELP THE PARTICIPANT:**
 - (I) CREATE A PERSON-CENTERED PLAN;**
 - (II) IDENTIFY AND OBTAIN GOODS, SERVICES, AND SUPPORTS, INCLUDING CASE MANAGEMENT AND FISCAL INTERMEDIARY SERVICES; AND**
 - (III) OBTAIN PAYMENT FOR GOODS, SERVICES, AND SUPPORTS;**
- (3) SUPPORT BROKER SERVICES THAT ARE AUTHORIZED BY THE STATE AND SELECTED BY THE PARTICIPANT;**
- (4) A BUDGET FOR SELF-DIRECTED SERVICES THAT PROVIDES THE PARTICIPANT WITH THE ABILITY TO USE FUNDS FROM THE PARTICIPANT'S APPROVED ANNUAL BUDGET FOR THE PURPOSE OF FUNDING ALL SERVICES NEEDED**

TO CREATE, MANAGE, AND IMPLEMENT A PARTICIPANT'S PERSON-CENTERED PLAN;
AND

(5) FISCAL INTERMEDIARY AND ADMINISTRATIVE SUPPORT.

(E) THE DEPARTMENT MAY NOT DETERMINE HOW A PARTICIPANT'S BUDGET IS USED WITH RESPECT TO GOODS AND SERVICES THAT ARE:

(1) RELATED TO THE PERSON-CENTERED PLAN; AND

(2) NECESSARY FOR THE HEALTH AND SAFETY OF THE PARTICIPANT.

(F) THE DEPARTMENT MAY NOT REQUIRE A PARTICIPANT TO DEMONSTRATE COMPETENCY OR COMPLIANCE WITH MENTAL HEALTH TREATMENT TO BE ELIGIBLE TO RECEIVE OR TO CONTINUE RECEIVING SELF-DIRECTED SERVICES.

(G) THE DEPARTMENT, IN CONSULTATION WITH STAKEHOLDERS, SHALL ESTABLISH AND PROVIDE TRAINING MATERIALS TO CORE SERVICE AGENCIES AND COMMUNITY PROVIDERS SPECIFICALLY ADDRESSING THE SELF-DIRECTED SERVICES MODEL OF SERVICES, INCLUDING ELIGIBILITY CRITERIA FOR SELF-DIRECTED SERVICES, REFERRAL PROCEDURES, POLICIES, AND RESOURCES.

(H) AS PART OF THE PROCESS OF DEVELOPING A PERSON-CENTERED PLAN OF SERVICE FOR A PARTICIPANT, A COORDINATOR OF COMMUNITY SERVICES SHALL EDUCATE THE PARTICIPANT ON ALL MODELS OF SERVICE AVAILABLE TO THE PARTICIPANT, INCLUDING SELF-DIRECTED SERVICES, TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES, TO ASSIST THE PARTICIPANT IN MAKING AN INFORMED CHOICE ON WHICH SERVICES THE PARTICIPANT WOULD LIKE TO RECEIVE:

(1) WHEN THE PARTICIPANT BEGINS RECEIVING SERVICES FROM A COORDINATOR OF COMMUNITY SERVICES; AND

(2) AT LEAST ONCE EACH YEAR THAT THE PARTICIPANT IS RECEIVING SERVICES FROM A COORDINATOR OF COMMUNITY SERVICES.

(I) EACH COORDINATOR OF COMMUNITY SERVICES SHALL REPORT TO THE DEPARTMENT, IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT, THAT THE COORDINATOR PROVIDED INFORMATION ON SELF-DIRECTED SERVICES, TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES TO AN INDIVIDUAL IN ACCORDANCE WITH THIS SECTION.

(J) THE DEPARTMENT SHALL:

- (1) COLLECT OUTCOMES DATA ON PILOT PROGRAM PARTICIPANTS;**
- (2) COLLECT UTILIZATION DATA ON PILOT PROGRAM PARTICIPANTS;**
- (3) ASSESS THE EFFICACY OF SELF-DIRECTED SERVICES RELATIVE TO TRADITIONAL SERVICES USING A MATCHED PAIRS ANALYSIS;**
- (4) ASSESS THE COST OF EXPANDING SELF-DIRECTED SERVICES TO ALL INDIVIDUALS ELIGIBLE FOR SERVICES THROUGH THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND**
- (5) IDENTIFY THE FEASIBILITY OF OBTAINING A MEDICAID WAIVER TO SUPPORT FURTHER IMPLEMENTATION OF SELF-DIRECTED MENTAL HEALTH SERVICES IN THE STATE.**

15-1205.

THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR ANY DEMONSTRATION OR OTHER WAIVER OR AN AMENDMENT TO A WAIVER OR THE STATE PLAN NECESSARY TO IMPLEMENT THE PILOT PROGRAM.

15-1206.

FOR EACH OF FISCAL YEARS 2026 THROUGH 2028, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$1,000,000 FOR THE PILOT PROGRAM.

15-1207.

ON OR BEFORE NOVEMBER 1, 2028, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DEPARTMENT'S FINDINGS AND RECOMMENDATIONS FROM THE PILOT PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024. It shall remain effective for a period of 4 years and 9 months, at the end of June 30, 2029, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.