

HB1559/533426/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1559

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “**Speaker**” insert “**and Delegates Griffith, Acevero, Alston, Bagnall, Barnes, Beauchamp, Chang, Cullison, Edelson, Forbes, Ghrist, Guzzone, Harrison, Hill, Hinebaugh, Hutchinson, Ivey, S. Johnson, A. Jones, D. Jones, Kaiser, Kaufman, Kipke, Lopez, Martinez, McCaskill, Metzgar, M. Morgan, Reilly, Rosenberg, Ross, Ruff, Shetty, Smith, Spiegel, Stonko, Szeliga, Taveras, Toles, Watson, White Holland, Wolek, and Woorman**”; in lines 8 and 9, strike “Placement Manager as its head; requiring the Placement Manager” and substitute “Senior Advisor for Children and Families as its head; requiring the Senior Advisor”; in line 10, after “circumstances;” insert “authorizing the Department of Human Services to execute an emergency procurement with certain providers under certain circumstances;”; strike beginning with “establishing” in line 11 down through “Office;” in line 14; and after line 25, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–525(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2025 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–525(b)(1) and (c)

Annotated Code of Maryland

(2019 Replacement Volume and 2025 Supplement)

(As enacted by Section 1 of this Act)”.

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On page 2, strike beginning with the semicolon in line 16 down through “Families” in line 17.

AMENDMENT NO. 2

On page 2, after line 34, insert:

**“(3) (I) “SEMI-INDEPENDENT LIVING ARRANGEMENT” MEANS A SUBSIDIZED LIVING ARRANGEMENT FOR YOUTH RECEIVING YOUTH TRANSITIONAL SERVICES IN AN APARTMENT, A BOARDER ARRANGEMENT, A COLLEGE DORM, OR OTHER LIVING ARRANGEMENT APPROVED BY A LOCAL DEPARTMENT.**

**“(II) “SEMI-INDEPENDENT LIVING ARRANGEMENT” DOES NOT INCLUDE AN ARRANGEMENT FOR HOUSING IN A TRANSIENT OR AN EMERGENCY-TYPE FACILITY, INCLUDING A RESCUE MISSION, A NONRESIDENTIAL HOTEL OR MOTEL, AN ADULT SHELTER, OR A TOURIST HOME.”.**

On page 3, in line 1, strike “(3)” and substitute “(4)”; in line 2, after “LICENSED” insert “BY A STATE LICENSING ENTITY FOR CUSTODY, PLACEMENT, WELFARE, AND HOUSING OF CHILDREN”; in line 10, after “CINA;” insert:

**“2. A SEMI-INDEPENDENT LIVING ARRANGEMENT;”;**

and in line 12, strike “2.” and substitute “3.”.

On page 4, in line 16, strike “PLACEMENT OF A CHILD IN” and substitute “USE OF”; in line 17, after “SETTING” insert “FOR A CHILD”; after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

5-525.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Disability” means:

1. a physical or mental impairment that substantially limits one or more of an individual’s major life activities;

2. a record of having a physical or mental impairment that substantially limits one or more of an individual’s major life activities; or

3. being regarded as having a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

(ii) “Disability” shall be construed in accordance with the ADA Amendments Act of 2008, P.L. 110-325.

(3) (i) “Semi-independent living arrangement” means a subsidized living arrangement for youth receiving youth transitional services in an apartment, a boarder arrangement, a college dorm, or other living arrangement approved by a local department.

(ii) “Semi-independent living arrangement” does not include an arrangement for housing in a transient or an emergency-type facility, including a rescue mission, a nonresidential hotel or motel, an adult shelter, or a tourist home.

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(4) (i) “Unlicensed setting” means a setting for an out-of-home placement that is not licensed by a State licensing entity for custody, placement, welfare, and housing of children.

(ii) “Unlicensed setting” includes:

1. a hotel, motel, or short-term rental;
2. a shelter designated to meet the needs of a child who has run away or who is homeless; [and]
3. an office building or other nonresidential environment;

AND

**4. AN INPATIENT UNIT OR EMERGENCY DEPARTMENT OF A HOSPITAL IN WHICH THE CHILD IS A PATIENT UNDER THE AGE OF 22 YEARS WHO REMAINS FOR MORE THAN 48 HOURS AFTER BEING MEDICALLY CLEARED FOR DISCHARGE OR TRANSFER.**

(iii) “Unlicensed setting” does not include:

1. the voluntary placement of a former CINA;
  2. a semi-independent living arrangement;
- or
3. the placement of a child with:
    - A. an individual who is a kinship caregiver or foster parent or who is in the process of applying to be a kinship caregiver or foster parent; or

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B. a parent, including in a family-based residential treatment setting.

(b) (1) The Administration shall establish a program of out-of-home placement for minor children:

(i) who are placed in the custody of a local department, for a period of not more than 180 days, by a parent or legal guardian under a voluntary placement agreement;

(ii) who are abused, abandoned, neglected, or dependent, if a juvenile court:

1. has determined that continued residence in the child's home is contrary to the child's welfare; and

2. has committed the child to the custody or guardianship of a local department; or

(iii) who, with the approval of the Administration, are placed in an out-of-home placement by a local department under a voluntary placement agreement subject to paragraph (2) of this subsection.

(c) (1) Except as provided in paragraph (2) of this subsection, in establishing the out-of-home placement program the Administration shall:

(i) provide time-limited family reunification services to a child placed in an out-of-home placement and to the parents or guardian of the child, in order to facilitate the child's safe and appropriate reunification within a timely manner;

(ii) concurrently develop and implement a permanency plan that is in the best interests of the child; and

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(iii) provide training on an annual basis for the staff at each local department who administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses under subsection (b) of this section.

(2) The out-of-home placement program established by the Administration shall prohibit the use of an unlicensed setting for a child.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:";

and in line 30, in each instance, strike the bracket.

On pages 4 and 5, strike beginning with the colon in line 30 on page 4 down through "COORDINATING" in line 4 on page 5.

On page 5, in line 18, strike "and"; after line 18, insert:

"(VI) INFORMATION REGARDING WHETHER THE ADMISSION WAS BASED ON AN EMERGENCY PETITION AND, IF SO, WHETHER THE EMERGENCY PETITION WAS EXECUTED IN A SCHOOL; AND";

in line 19, strike "(vi)" and substitute "(VII)"; and after line 23, insert:

"(5) A HOSPITAL IMMEDIATELY SHALL NOTIFY THE COORDINATORS, THROUGH A SYSTEM DESIGNATED BY THE DEPARTMENT, ABOUT A PEDIATRIC HOSPITAL OVERSTAY PATIENT."

On page 6, in line 10, after "BUILDING" insert "FOR MORE THAN 12 CONSECUTIVE HOURS"; strike in their entirety lines 18 and 19; in lines 20 and 21, strike "(E)" and "(F)", respectively, and substitute "(D)" and "(E)", respectively; after line 22, insert:

**“(F) “SENIOR ADVISOR” MEANS THE SENIOR ADVISOR FOR CHILDREN AND FAMILIES IN THE OFFICE.”;**

in line 26, strike “**THE HEAD OF THE REVIEW PANEL IS THE PLACEMENT MANAGER**” and substitute “**THERE IS A SENIOR ADVISOR FOR CHILDREN AND FAMILIES IN THE OFFICE.**”

**(2) THE SENIOR ADVISOR SHALL OVERSEE THE WORK OF THE REVIEW PANEL**”;

and strike in their entirety lines 27 and 28.

On page 7, in lines 1, 3, 5, 9, and 23, in each instance, strike “**PLACEMENT MANAGER**” and substitute “**SENIOR ADVISOR**”; in line 14, strike “**AND**”; in line 15, after “**PANEL**” insert: “**; AND**”

**(4) DOCUMENT INFORMATION FOR CASES USING STANDARD FORMS AND DATA**”;

and in line 23, strike “**AND**”.

On pages 7 and 8, strike beginning with the first “**THE**” in line 24 on page 7 down through “**SYSTEM**” in line 14 on page 8 and substitute “**THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY’S DESIGNEE; AND**”

**(6) THE COORDINATORS, AS DEFINED IN § 19-388 OF THE HEALTH – GENERAL ARTICLE**”.

On page 8, strike beginning with “TO” in line 15 down through “STATE” in line 17 and substitute “IN CONDUCTING THE ANALYSIS REQUIRED UNDER § 8-1406 OF THIS SUBTITLE, THE REVIEW PANEL MAY CONSULT WITH INDIVIDUALS WHO HAVE KNOWLEDGE OF THE CHILD”; in line 20, strike “MONTHLY” and substitute “AT LEAST EVERY 2 MONTHS”; in line 23, strike “PLACEMENT MANAGER” and substitute “SENIOR ADVISOR”.

On pages 8 and 9, strike beginning with “A” in line 25 on page 8 down through “(C)” in line 3 on page 9.

On page 9, in line 5, before “THE” insert “(A)”; in line 6, after “IN” insert “A PEDIATRIC OVERSTAY OR”; strike beginning with “SUPPORT” in line 8 down through “CHILD” in line 19 and substitute “PROPOSE SYSTEMIC IMPROVEMENTS BASED ON THE ANALYSIS CONDUCTED IN PARAGRAPH (1) OF THIS SECTION.”

(B) ON OR BEFORE JULY 1, 2027, AND EACH JULY 1 THEREAFTER, THE REVIEW PANEL SHALL REPORT ON THE ANALYSIS CONDUCTED UNDER THIS SECTION TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE”;

strike beginning with “WHEN” in line 21 down through “TEAM” in line 23 and substitute:

“(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 48 HOURS OF BEING NOTIFIED OF A PEDIATRIC OVERSTAY PATIENT, THE COORDINATORS SHALL CONVENE A RAPID RESPONSE PLACEMENT TEAM.”

(2) IF THE COORDINATORS ARE NOTIFIED OF A PEDIATRIC OVERSTAY PATIENT ON A FRIDAY, THE COORDINATORS SHALL CONVENE A

PLACEMENT TEAM WITHIN 72 HOURS OF BEING NOTIFIED OR EARLIER IF POSSIBLE.

(3) NOTHING IN THIS SUBSECTION PREVENTS THE COORDINATORS FROM TAKING STEPS TO SECURE A PLACEMENT FOR A PEDIATRIC OVERSTAY PATIENT BEFORE HOLDING THE INITIAL MEETING REQUIRED UNDER SUBSECTION (E) OF THIS SECTION”;

and in line 25, after “(1)” insert “THE SENIOR ADVISOR, IN AN ADVISORY CAPACITY;

(2)”.

On page 10, in line 1, strike “(2)” and substitute “(3)”; in the same line, strike “THE FOLLOWING MEMBERS” and substitute “IF APPLICABLE, THE FOLLOWING MEMBERS WHO HAVE KNOWLEDGE OF THE CHILD”; in lines 1 and 2, strike “PLACEMENT MANAGER” and substitute “COORDINATORS”; strike beginning with “A” in line 3 down through “(II)” in line 4; strike beginning with “(III)” in line 6 down through “RESIDING;” in line 7; in line 8, strike “(IV)” and substitute “(II)”; in line 10, after “SHALL” insert “:

(1)”;

strike beginning with “WHO” in line 11 down through “HOURS” in line 12 and substitute “;AND

(2) ARRANGE FOR A TEMPORARY PLACEMENT IN A LICENSED SETTING WHEN A PLACEMENT HAS BEEN IDENTIFIED, BUT A BED IS NOT IMMEDIATELY AVAILABLE”;

in line 15, strike “PLACEMENT”; in line 16, after “NECESSARY” insert “TO PLACE THE CHILD IN A CLINICALLY APPROPRIATE, LEAST RESTRICTIVE ENVIRONMENT”; in the same line, strike “AND”; in line 17, after “IN” insert “APPROPRIATE AND LEAST RESTRICTIVE”; in line 18, after “SETTINGS” insert “; AND”

**(4) (I) AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO EXECUTE AN EMERGENCY PROCUREMENT UNDER § 13-108 OF THE STATE FINANCE AND PROCUREMENT ARTICLE WITH AN IN-STATE OR OUT-OF-STATE PROVIDER BY PROVIDING THE JUSTIFICATION FOR THE USE OF EMERGENCY PROCUREMENT METHOD;**

**(II) REQUIRE OUT-OF-STATE PLACEMENTS ONLY WHEN NO IN-STATE PROVIDER OFFERS THE REQUIRED CARE NEEDED BY THE CHILD; AND**

**(III) REQUIRE ANY OUT-OF-STATE PROVIDER TO MAINTAIN COMMUNICATION WITH THE PARENT OR GUARDIAN REGARDING TREATMENT AND CARE OF THE CHILD**”;

in line 19, strike “WHEN A PLACEMENT TEAM IS CONVENED, THE” and substitute “**(1) THE**”; in line 20, strike “MEET EACH DAY” and substitute “**HOLD AN INITIAL IN-PERSON OR VIRTUAL MEETING IMMEDIATELY WITH ALL MEMBERS OF THE PLACEMENT TEAM AND HAVE DAILY COMMUNICATION WITH ALL MEMBERS OF THE PLACEMENT TEAM**”; and in the same line, strike “LOCATED” and substitute “**SECURED.**”

**(2) ONCE CONVENED, THE PLACEMENT TEAM SHALL HOLD AT LEAST ONE IN-PERSON OR VIRTUAL MEETING PER WEEK.**

**(F) THE DEPARTMENT OF HUMAN SERVICES SHALL BE DEEMED TO BE COMPLIANT WITH THE PROHIBITION ON THE USE OF AN INPATIENT UNIT OR**

**EMERGENCY DEPARTMENT FOR A PEDIATRIC OVERSTAY PATIENT ESTABLISHED UNDER § 5-525(C)(2) OF THE FAMILY LAW ARTICLE, IF THE DEPARTMENT IS ACTIVELY SEARCHING FOR A PLACEMENT FOR THE CHILD.**

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

On pages 10 and 11, strike beginning with “INDIVIDUALS” in line 28 on page 10 down through “DISABILITIES” in line 2 on page 11 and substitute “MEMBERS”.

On page 11, in line 5, strike “PLACEMENT MANAGER” and substitute “SECRETARY OF HEALTH, OR THE SECRETARY’S DESIGNEE;”

**(3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY’S DESIGNEE;**

**(4) THE SECRETARY OF DISABILITIES, OR THE SECRETARY’S DESIGNEE;**

**(5) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY’S DESIGNEE;**

**(6) THE MARYLAND INSURANCE COMMISSIONER, OR THE COMMISSIONER’S DESIGNEE;**

**(7) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT’S DESIGNEE;**

**(8) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

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**(9) THE EXECUTIVE DIRECTOR OF THE CHESAPEAKE REGIONAL INFORMATION SYSTEM FOR OUR PATIENTS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(10) A REPRESENTATIVE FROM THE STATE-AUTHORIZED ADMINISTRATOR OF 2-1-1 SERVICES IN MARYLAND, APPOINTED BY THE GOVERNOR;**

in lines 6, 8, 10, and 11, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(11)”, “(12)”, “(13)”, and “(14)”, respectively; in line 10, after “THE” insert “STATE”; in line 11, after “MEMBERS” insert “, WHO HAVE EXPERIENCE AND KNOWLEDGE OF WORKING WITH CHILDREN WITH BEHAVIORAL HEALTH CHALLENGES, ADVERSE CHILDHOOD EXPERIENCES, AND DEVELOPMENTAL DISABILITIES”; in line 12, after “(I)” insert “THE SENIOR ADVISOR;

**(II)**;

in lines 14, 16, 17, 19, 20, 22, 25, and 27, strike “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively, and substitute “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, and “(X)”, respectively.

On page 12, in lines 1, 3, 5, 7, and 9, strike “(X)”, “(XI)”, “(XII)”, “(XIII)”, and “(XIV)”, respectively, and substitute “(XI)”, “(XII)”, “(XIII)”, “(XIV)”, and “(XV)”, respectively; strike beginning with “(XV)” in line 11 down through “CARE;” in line 12; strike in their entirety lines 21 through 23, inclusive; strike beginning with the second “SPECIAL” in line 15 down through “DESIGNEE” in line 16 and substitute “SENIOR ADVISOR”.

On page 13, strike beginning with “TO” in line 6 down through “FAMILIES” in line 7; strike beginning with “ASSIST” in line 16 down through “SUBSECTION” in line 17 and substitute “RECOMMEND IMPROVEMENTS FOR EDUCATION, OUTREACH, AND SUPPORT TO FOSTER CARE PARENTS IN THE STATE TO PREVENT DISRUPTION IN PLACEMENTS”; in line 20, after “STATE” insert “IN CONSULTATION WITH AN INSTITUTION OF HIGHER EDUCATION OR A PRIVATE RESEARCH ENTITY WITH EXPERTISE IN THE MODEL”; in the same line, strike “AND”; in line 27, after “SERVICES” insert “;

**(7) REVIEW ANY RECOMMENDATIONS OF THE WORKGROUP ON CHILDREN IN UNLICENSED SETTINGS AND PEDIATRIC HOSPITAL OVERSTAYS; AND**

**(8) REVIEW BARRIERS TO CAPACITY EXPANSION, INCLUDING RATE REFORM AND INSURANCE PARITY, AND MAKE RECOMMENDATIONS**”;

after line 27, insert:

**“(G) (1) THE ADVISORY COUNCIL SHALL FORM A SUBGROUP CONSISTING OF THE MEMBERS LISTED UNDER SUBSECTION (C)(1) THROUGH (12) OF THIS SECTION.**

**(2) THE SUBGROUP OF THE ADVISORY COUNCIL MAY CONSULT WITH EXPERTS AS NECESSARY, INCLUDING INSURERS, PAYORS, AND THE MARYLAND MEDICAL ASSISTANCE PROGRAM.**

**(3) THE SUBGROUP OF THE ADVISORY COUNCIL SHALL:**

**(I) COMPLETE AN ASSESSMENT OF THE CURRENT NUMBER OF LICENSED BEDS, STAFFED BEDS, AND PHYSICAL BEDS INTENDED TO SERVE**

(Over)

THE NEEDS OF CHILDREN AND YOUTH BY AGENCY, CATEGORIZED BY TYPE OF BED INCLUSIVE OF AGE, GENDER, DIAGNOSIS, SEVERITY, AND SPECIALTY ACCEPTED FOR THE FOLLOWING BED TYPES:

1. TRADITIONAL FOSTER HOMES;
2. PRIVATE AND PUBLIC TREATMENT FOSTER HOMES;
3. GROUP HOMES;
4. RESIDENTIAL TREATMENT CENTERS;
5. PRIVATE AND PUBLIC INPATIENT PSYCHIATRIC BEDS; AND
6. RESPITE BEDS;

(II) DEVELOP AN ELECTRONIC PROCESS FOR TRACKING THE REAL-TIME LOCATION, LENGTH OF STAY, AND DISCHARGE PLANS FOR PEDIATRIC HOSPITAL OVERSTAY PATIENTS, AS DEFINED IN § 19-388 OF THE HEALTH – GENERAL ARTICLE, INCLUDING YOUTH UNDER OR IN THE PROCESS OF A VOLUNTARY PLACEMENT AGREEMENT;

(III) 1. DEVELOP A MODEL FOR STANDARDIZED DATA COLLECTION WITH MANDATED UNIFORM METRICS, INCLUDING AGE, GENDER IDENTITY, RACE, ETHNICITY, COUNTY OF ORIGIN, PAYOR TYPE, AND LENGTH OF STAY FOR PEDIATRIC HOSPITAL OVERSTAY PATIENTS, AS DEFINED IN § 19-388

OF THE HEALTH – GENERAL ARTICLE, INCLUDING YOUTH UNDER OR IN THE  
PROCESS OF A VOLUNTARY PLACEMENT AGREEMENT; AND

2. DESIGNATE AN ENTITY TO SERVE AS A CENTRAL  
REPOSITORY FOR DATA COLLECTED; AND

(IV) DEVELOP A PLAN AND IDENTIFY RESOURCES NEEDED TO  
EXPAND MOBILE RESPONSE AND STABILIZATION SERVICES ACROSS THE STATE  
TO ENSURE STATEWIDE ACCESS AND FULL IMPLEMENTATION BY 2030.”;

in line 28, strike “(G)” and substitute “(H)”; and in line 30, strike “THE PLACEMENT  
MANAGER,”.

On pages 13 through 16, strike in their entirety the lines beginning with line 32  
on page 13 through line 26 on page 16, inclusive.

On page 16, after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That:

On or before January 1, 2027, the Department of Human Services and the  
Maryland Department of Health shall report to the General Assembly, in accordance  
with § 2–1257 of the State Government Article, on the progress of capacity building and  
preventive services to end pediatric overstays, including:

- (1) residential treatment beds;
- (2) therapeutic foster care homes;
- (3) specialized placements for high-needs youth;

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- (4) licensure of facilities and foster youth homes;
- (5) mobile crisis response;
- (6) 1915(i) waiver services;
- (7) in-home services and wraparound supports; and
- (8) necessary staffing.

SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act authorizes a hospital to discharge a pediatric overstay patient in a manner that is inconsistent with § 19-308.8 of the Health – General Article, State regulations governing hospital discharge, or Centers for Medicare and Medicaid Services conditions of participation.”;

in line 27, strike “4.” and substitute “7.”; in lines 27 and 29, in each instance, strike “2” and substitute “3”; after line 30, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2027.”;

in line 31, strike “5.” and substitute “9.”; and in lines 31 and 32, strike “Section 4” and substitute “Sections 7 and 8”.