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1500 Union Ave., Suite 2000, Baltimore, MD 21211

www.DisabilityRightsMD.org

Phone: 410.727.6352

SENATE FINANCE COMMITTEE

Senate Bill 212: Behavioral Health Advisory Council and Commission on Behavioral Health Care Treatment and Access--Alterations

Date: January 30, 2024

Position: Support With Amendments

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. One of the mandated purposes of DRM's legal work is to ensure that people with disabilities are included in their communities and that they have access to the supports and services that will make living and participating in community life possible. As an organizational member of both the Behavioral Health Advisory Council and the Commission on Behavioral Health Care Treatment and Access, DRM appreciates the opportunity to share our thoughts about Senate Bill 212, which would require joint meetings of the Council and the Commission and would require the two bodies to coordinate recommendations regarding the financing structure and oversight needed to integrate somatic and behavioral health services in the Maryland Medical Assistance Program; the bill requires a report by January 1, 2025.

DRM agrees that coordination between the Council and the Commission is important. At the first Commission meeting, the Maryland Department of Health provided Commission members with a summary of all of the reports that have been produced over the past decade addressing behavioral health in Maryland; it was striking to see the number of reports and the number of recommendations, and to consider how little coordination appears to have occurred over time between agencies. Holding joint meetings will help the policy-oriented Council and the Commission develop more comprehensive, non-duplicative recommendations.

Specifically with respect to Senate Bill 212's directive that the Council and Commission make recommendations regarding the financing structure necessary to integrate somatic and behavioral health services in the Medical Assistance program, DRM recommends that the legislation make clear that the Council and Commission should examine various funding models, including those that may be in use in other programs in Maryland and those that may be in use in other states; it is important for Council and Commission members to have data, relevant studies and other available information at hand in order to formulate informed recommendations. Those recommendations should take into account, not only the financial structure of integrated services, but also the impact of integrated services on patient/client privacy and the impact stigma may have on the ability to access both behavioral health and somatic services.

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DRM also recommends adding additional members with lived experience to the Commission to ensure that the voices of a representative group of people who use behavioral health services are featured prominently in the policy discussions about the services that have such a significant impact on their lives. DRM further recommends that the timeline for the report be extended to January 1, 2026. When the Maryland General Assembly enacted legislation in 2023 to create the Commission, the Commission was given responsibility for 14 tasks; this set of recommendations and report would make the 15th obligation of the Commission. It is not feasible for the Commission, which held its second meeting only in December, 2023, to dedicate the time needed to thoroughly examine funding structure options and produce a report by January 1, 2025. Finally, we recommend that Senate Bill be amended to make clear that any recommendations to integrate somatic and behavioral health services must ensure compliance with the Mental Health Parity and Addiction Equity Act, federal legislation enacted in 2008.

The Commission and the Council working together offer a powerful opportunity to re-imagine what kinds of behavioral health services are provided to Marylanders and how those services are delivered. DRM supports Senate Bill 212 with these amendments in order to strengthen the work of the Council and the Commission and to ensure that in policy discussions about financial structure and integration of services, the perspectives and needs of the people for whom the system exists do not get lost. Please contact Leslie Seid Margolis, Managing Attorney and Policy Counsel for more information at lesliem@disabilityrightsmd.org or 443-692-2505.