# **HOUSE BILL 766**

O4, F5, O1 (2lr2519)

### ENROLLED BILL

— Ways and Means/Finance —

Introduced by <b>Delegate Kaiser</b>				
Read and Examined by Proofreaders:				
Proofreader.				
Proofreader.				
Sealed with the Great Seal and presented to the Governor, for his approval this				
day of at o'clock,M.				
Speaker.				
CHAPTER				
AN ACT concerning				
Children – Residential Treatment Centers – Education Funding				
FOR the purpose of authorizing certain core service agencies, local behavioral health authorities, and local addictions authorities to approve certain funding for certain youths' educational costs incurred during admission to residential treatment centers under certain circumstances; and generally relating to certain core service agencies, local behavioral health authorities, and local addictions authorities and certain education funding for youths.				
BY repealing and reenacting, without amendments, Article – Education Section 8–406 Annotated Code of Maryland (2018 Replacement Volume and 2021 Supplement)				

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



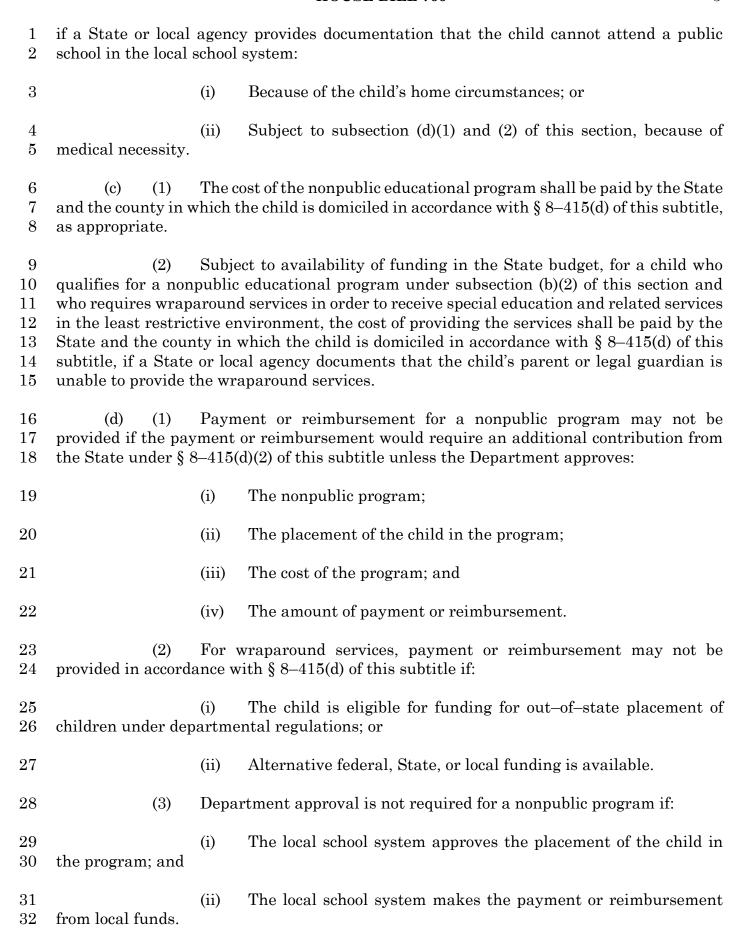
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1 2 3 4 5	BY repealing and reenacting, without amendments,  Article – Health – General Section 7.5–101(a), (g), and (k) Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement)			
6 7 8 9	BY repealing and reenacting, with amendments, Article – Health – General Section 10–1202 Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement)			
$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
13			Article - Education	
4	8–406.			
15	(a) In th	is secti	on, "wraparound services":	
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18	(2)	Inclu	des the following services:	
9		(i)	Behavioral aide in home;	
20		(ii)	Education tutoring;	
21		(iii)	Family therapy;	
22		(iv)	Medication management;	
23		(v)	Respite care;	
24		(vi)	Vocational mentoring; and	
25		(vii)	Environmental accessibility adaptations.	
26 27 28	(b) (1) A child with a disability who needs special education and related services that cannot be provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services.			

A child with a disability who needs special education and related

services is eligible for an appropriate nonpublic educational placement under this section



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- 1 (4) The State Board shall adopt regulations that establish standards and 2 guidelines for approvals required by paragraph (3) of this subsection.
  - (e) A nonpublic placement recommended by a local school system for approval under subsection (d)(1) of this section shall be approved or disapproved pursuant to the regulations of the State Board. However, the Department may not disapprove a nonpublic placement recommended by a local school system for a child unless the Department provides an appropriate alternative placement in conformity with the regulations of the State Board and applicable federal laws and regulations. The Department may not terminate funding for the last approved nonpublic placement of a child during the pendency of an administrative or judicial review of a recommended placement change.
- 11 (f) In addition to meeting the requirements of this subtitle, a local school system 12 seeking nonpublic tuition payment shall obtain funding approval from the local 13 coordinating council and the State Coordinating Council in accordance with departmental 14 regulations.

#### Article – Health – General

- 16 7.5–101.
- 17 (a) In this title the following words have the meanings indicated.
- 18 (g) "Core service agency" means the designated county or multicounty authority 19 that is responsible for planning, managing, and monitoring publicly funded mental health 20 services.
- 21 (k) "Local behavioral health authority" means the designated county or 22 multicounty authority that is responsible for planning, managing, and monitoring publicly 23 funded mental health, substance—related disorder, and addictive disorder services.
- 24 10-1202.

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- 25 (a) A core service agency, local addictions authority, or local behavioral health 26 authority shall:
- 27 (1) Be an agent of a county or Baltimore City government which may 28 include a local health department;
- 29 (2) Unless an exception is requested by an individual county and is granted 30 by the Secretary, serve a county or counties with an estimated population of over 80,000 31 people;
  - (3) Either purchase services or provide the services directly;

- 1 Annually submit a program plan to the secretaries of the affected State 2 departments for review and to the Director for approval; and 3 Meet the standards required under this subtitle and, as needed, the rules and regulations set by the Secretary. 4 5 A core service agency, local addictions authority, or local behavioral health 6 authority may not be a for-profit entity. 7 Each core service agency, local addictions authority, or local behavioral health authority shall function under the Secretary's authority. 8 9 Once established in a jurisdiction, the core service agency, local addictions authority, or local behavioral health authority shall: 10 11 (1) Submit, on an annual basis, a program plan to the Director for 12 approval; 13 (2)Incorporate in its method of governance a mechanism for the local county mental health advisory committee, local drug and alcohol abuse council, or joint 14 mental health and substance-related committee to serve as the advisory committee to the 15 core service agency, local addictions authority, or local behavioral health authority and, if 16 serving more than 1 unit of government, a method of representation serving those 17 jurisdictions; 18 19 Implement guidelines developed by the Director which establish or 20 designate the authority of the local mental health advisory committee, local drug and alcohol abuse council, or joint mental health and substance-related committee to advise 2122and assist in the planning and evaluation of the publicly funded mental health and 23substance-related disorder services; 24In accordance with guidelines developed by the Director, develop 25planning, management, and accountability mechanisms for the delivery of services 26 including: 27 (i) Case management; 28 Data collection which satisfies the Department's requirements 29 for client tracking and incorporates clear outcome measures to enable the local entity to 30 govern itself and monitor and evaluate the system; and 31 A yearly summary which includes at a minimum: (iii)
- 2. Program evaluation reports which articulate the core service agency's, local addictions authority's, or local behavioral health authority's ability

Relevant financial statements; and

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- to identify the outcomes of services provided for the target populations and the effects of those services on program planning for the target population;
- 3 (5) As an agent of county government, function in any of the following 4 organizational structures:
- 5 (i) A unit of county or Baltimore City government;
- 6 (ii) A local health department;
- 7 (iii) A quasi-public authority; or
- 8 (iv) A private, nonprofit corporation;
- 9 (6) Be authorized to screen individuals for whom voluntary or involuntary 10 admission is being initiated to determine whether a less restrictive alternative can be 11 provided; [and]
- 12 (7) SUBJECT TO THE AVAILABILITY OF FUNDING IN THE STATE
  13 BUDGET, BE AUTHORIZED TO APPROVE FUNDING FOR A YOUTH'S EDUCATIONAL
  14 COSTS INCURRED DURING A RESIDENTIAL TREATMENT CENTER ADMISSION MADE
  15 FOR MEDICAL OR PSYCHIATRIC PURPOSES IN ACCORDANCE WITH ITEM (6) OF THIS
  16 SUBSECTION IF THE EDUCATIONAL COSTS ARE NOT COVERED UNDER § 8–406 OF
  17 THE EDUCATION ARTICLE; AND
- 18 **(8)** Provide clear guidelines to avoid either the appearance or occurrence of conflicts of interest in the direction and operation of the core service agency, local addictions authority, or local behavioral health authority or organizations which provide mental health or substance—related services.

## 22 SECTION 2. AND BE IT FURTHER ENACTED, That:

- 23 (a) It is the intent of the General Assembly that general funds be provided in 24 fiscal year 2024 2025 and each fiscal year thereafter to the Maryland Department of Health 25 to carry out Section 1 of this Act.
- 26 (b) Any general funds appropriated under subsection (a) of this section shall be 27 used for administrative and educational costs under § 10–1202(d)(7) of the Health 28 General Article, as enacted by Section 1 of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect <del>July</del> January 1, <del>2022</del> <del>2023</del> <u>2024</u>.