SENATE BILL 174

J1 (5lr1910)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Eckardt**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____

President.

CHAPTER _____

1 AN ACT concerning

2 **Behavioral Health Administration – Behavioral Health Advisory Council**

3 FOR the purpose of establishing the Behavioral Health Advisory Council in the Office of
4 the Governor; providing for the purpose, duties, and membership of the Council;
5 requiring the Council to appoint the chair of the Council; providing for the terms of
6 members; authorizing the Council to adopt certain procedures; authorizing the chair
7 to designate certain individuals to serve on a committee or task force of the Council;
8 requiring the Council to meet at least a certain number of times a year; providing
9 that a member may not receive compensation as a member of the Council but is
10 entitled to certain reimbursement for expenses; requiring the Behavioral Health
11 Administration to provide certain staff for the Council; repealing the Maryland
12 Advisory Council on Mental Hygiene and the State Drug and Alcohol Abuse Council;
13 making certain conforming changes; and generally relating to the Behavioral Health
14 Advisory Council.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.

BY adding to
Article – Health – General
Section 7.5–301 through 7.5–305 to be under the new subtitle "Subtitle 3. Behavioral Health Advisory Council"
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–101(g), 10–312(b)(4)(i)9., and 10–1203(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Health – General
Section 10–301 through 10–305 and the part "Part I. Maryland Advisory Council"
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – State Government
Section 9–2801 through 9–2806 and the subtitle "Subtitle 28. State Drug and Alcohol Abuse Council"
Annotated Code of Maryland
(2014 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 3. BEHAVIORAL HEALTH ADVISORY COUNCIL.

7.5–301.

IN THIS SUBTITLE, "COUNCIL" MEANS THE BEHAVIORAL HEALTH ADVISORY COUNCIL.

7.5–302.

THERE IS A BEHAVIORAL HEALTH ADVISORY COUNCIL IN THE OFFICE OF THE GOVERNOR.

7.5–303.

(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

1 (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED
2 BY THE PRESIDENT OF THE SENATE;

3 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED
4 BY THE SPEAKER OF THE HOUSE;

5 (III) FIVE REPRESENTATIVES OF THE DEPARTMENT,
6 INCLUDING:

7 1. THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

8 2. THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH
9 AND DISABILITIES, OR THE DEPUTY SECRETARY'S DESIGNEE;

10 3. THE DIRECTOR OF THE BEHAVIORAL HEALTH
11 ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

12 4. THE EXECUTIVE DIRECTOR OF THE MARYLAND
13 HEALTH BENEFIT EXCHANGE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

14 5. THE DEPUTY SECRETARY FOR HEALTH CARE
15 FINANCING, OR THE DEPUTY SECRETARY'S DESIGNEE;

16 (IV) THE SECRETARY OF AGING, OR THE SECRETARY'S
17 DESIGNEE;

18 (V) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
19 SECRETARY'S DESIGNEE;

20 (VI) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S
21 DESIGNEE;

22 (VII) THE SECRETARY OF HOUSING AND COMMUNITY
23 DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

24 (VIII) THE SECRETARY OF HUMAN RESOURCES, OR THE
25 SECRETARY'S DESIGNEE;

26 (IX) THE SECRETARY OF JUVENILE SERVICES, OR THE
27 SECRETARY'S DESIGNEE;

28 (X) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
29 SERVICES, OR THE SECRETARY'S DESIGNEE;

(XI) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIV) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC DEFENDER'S DESIGNEE;

(XV) TWO REPRESENTATIVES OF THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE, AND THE ASSISTANT STATE SUPERINTENDENT OF THE DIVISION OF REHABILITATION SERVICES, OR THE ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

(XVI) TWO REPRESENTATIVES OF THE MARYLAND JUDICIARY, A DISTRICT COURT JUDGE, AND A CIRCUIT COURT JUDGE, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

(XVII) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF CORE SERVICE AGENCIES, OR THE PRESIDENT'S DESIGNEE;

(XVIII) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, OR THE PRESIDENT'S DESIGNEE;

(XIX) FOUR REPRESENTATIVES FROM COUNTY BEHAVIORAL HEALTH ADVISORY COUNCILS, ONE FROM EACH REGION OF THE STATE;

(XX) ONE REPRESENTATIVE, APPOINTED BY THE ~~GOVERNOR~~ SECRETARY OF HEALTH AND MENTAL HYGIENE, FROM EACH OF THE FOLLOWING ORGANIZATIONS:

1. COMMUNITY BEHAVIORAL HEALTH ASSOCIATION;

2. DRUG POLICY AND PUBLIC HEALTH STRATEGIES CLINIC, UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW;

3. MARYLAND ADDICTIONS DIRECTOR'S COUNCIL;

1 4. MARYLAND ASSOCIATION FOR THE TREATMENT OF
2 OPIOID DEPENDENCE;

3 5. MARYLAND BLACK MENTAL HEALTH ALLIANCE;

4 6. MARYLAND COALITION OF FAMILIES;

5 7. MARYLAND DISABILITY LAW CENTER;

6 8. MARYLAND RECOVERY ORGANIZATION
7 CONNECTING COMMUNITIES;

8 9. MENTAL HEALTH ASSOCIATION OF MARYLAND;

9 10. NATIONAL ALLIANCE ON MENTAL ILLNESS OF
10 MARYLAND;

11 11. NATIONAL COUNCIL ON ALCOHOLISM AND DRUG
12 DEPENDENCE OF MARYLAND; ~~AND~~

13 12. ON OUR OWN OF MARYLAND; AND

14 13. MARYLAND ASSOCIATION OF BOARDS OF
15 EDUCATION; AND

16 (XXI) TWO INDIVIDUALS REPRESENTING THE MENTAL HEALTH
17 AND SUBSTANCE USE DISORDER TREATMENT COMMUNITY, APPOINTED BY THE
18 GOVERNOR FROM EACH OF THE FOLLOWING:

19 1. ACADEMIC OR RESEARCH PROFESSIONALS WHO ARE
20 NOT STATE EMPLOYEES;

21 2. MEDICAL PROFESSIONALS;

22 3. INDIVIDUALS FORMERLY OR CURRENTLY IN RECEIPT
23 OF BEHAVIORAL HEALTH SERVICES;

24 4. FAMILY MEMBERS OF INDIVIDUALS WITH MENTAL
25 HEALTH OR SUBSTANCE USE DISORDERS;

26 5. A PARENT OF A YOUNG CHILD WITH BEHAVIORAL
27 HEALTH DISORDERS;

1 6. A YOUTH WITH A BEHAVIORAL HEALTH DISORDER
2 WHO IS BETWEEN THE AGES OF 16 AND 25 YEARS; AND

3 7. INDIVIDUALS ACTIVE IN BEHAVIORAL HEALTH ISSUES
4 WITHIN THEIR COMMUNITY.

5 (2) ADDITIONAL REPRESENTATIVES OR INDIVIDUALS DESIGNATED
6 BY THE COUNCIL SHALL BE APPOINTED BY THE ~~GOVERNOR~~ *SECRETARY*.

7 (B) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION
8 (A)(1)(XXI) OF THIS SECTION SHALL BE REPRESENTATIVE, TO THE EXTENT
9 PRACTICABLE, OF:

10 (1) GEOGRAPHIC REGIONS OF THE STATE;

11 (2) AT–RISK POPULATIONS;

12 (3) ETHNIC, GENDER, ACROSS–THE–LIFESPAN, AND CULTURAL
13 DIVERSITY; AND

14 (4) BALANCED REPRESENTATION FROM AREAS OF MENTAL HEALTH
15 AND SUBSTANCE USE DISORDERS.

16 (C) THE COUNCIL SHALL APPOINT A CHAIR FROM AMONG THE
17 MEMBERSHIP OF THE COUNCIL.

18 (D) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION
19 ~~(A)(1)(XX) AND (XXI)~~ (A)(1)(XXI) OF THIS SECTION:

20 (I) SERVE A 3–YEAR TERM;

21 (II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE TERMS;

22 (III) AFTER AT LEAST 6 YEARS HAVE PASSED SINCE SERVING,
23 MAY BE REAPPOINTED FOR TERMS THAT COMPLY WITH ITEMS (I) AND (II) OF THIS
24 PARAGRAPH;

25 (IV) AT THE END OF A TERM, CONTINUE TO SERVE UNTIL A
26 SUCCESSOR IS APPOINTED AND QUALIFIES; AND

27 (V) IF APPOINTED AFTER A TERM HAS BEGUN, SERVE ONLY FOR
28 THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (2) EX OFFICIO MEMBERS SERVE AS LONG AS THE MEMBER HOLDS
2 THE SPECIFIED OFFICE OR DESIGNATION.

3 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
4 SUBSECTION, ALL MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR.

5 (E) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY DESIGNATE
6 ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE ON A COMMITTEE
7 OR TASK FORCE.

8 **7.5–304.**

9 (A) (1) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO DO
10 BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.

11 (2) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO CARRY
12 OUT THE DUTIES OF THE COUNCIL.

13 (3) THE COUNCIL SHALL MEET AT LEAST SIX TIMES A YEAR.

14 (4) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A
15 QUORUM.

16 (B) A MEMBER OF THE COUNCIL:

17 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
18 COUNCIL; BUT

19 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
20 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

21 (C) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE ONE
22 FULL–TIME PROJECT MANAGER FOR ADMINISTRATIVE COORDINATION, AND OTHER
23 STAFF AS NECESSARY TO SUPPORT THE FUNCTIONS OF THE COUNCIL.

24 **7.5–305.**

25 THE COUNCIL SHALL:

26 (1) PROMOTE AND ADVOCATE FOR:

27 (I) PLANNING, POLICY, WORKFORCE DEVELOPMENT, AND
28 SERVICES TO ENSURE A COORDINATED, QUALITY SYSTEM OF CARE THAT IS
29 OUTCOME–GUIDED AND THAT INTEGRATES PREVENTION, RECOVERY,

EVIDENCE–BASED PRACTICES, AND COST–EFFECTIVE STRATEGIES THAT ENHANCE BEHAVIORAL HEALTH SERVICES ACROSS THE STATE; AND

(II) A CULTURALLY COMPETENT AND COMPREHENSIVE APPROACH TO PUBLICLY FUNDED PREVENTION, EARLY INTERVENTION, TREATMENT AND RECOVERY SERVICES THAT SUPPORT AND FOSTER WELLNESS, RECOVERY, RESILIENCY, AND HEALTH FOR INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DISORDERS AND THEIR FAMILY MEMBERS; AND

(2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.

10–101.

(g) "State Advisory Council" means the [State] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene].

10–312.

(b) Each county advisory committee and intercounty advisory committee shall:

(4) (i) Prepare and disseminate an annual report to the following:

9. The [Maryland] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene]; and

10–1203.

(a) To the extent resources are available, the Secretary, after consultation with the [Maryland] **BEHAVIORAL HEALTH** Advisory Council [on Mental Hygiene] as established in [Subtitle 3 of this title] **TITLE 7.5, SUBTITLE 3 OF THIS ARTICLE** and federal requirements mandated under P.L. 99–660, may initiate the development of core service agencies as a mechanism for community planning, management, and financing of mental health services.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–301 through 10–305 and the part "Part I. Maryland Advisory Council" of Article – Health – General of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 9–2801 through 9–2806 and the subtitle "Subtitle 28. State Drug and Alcohol Abuse Council" of Article – State Government of the Annotated Code of Maryland be repealed.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.