

# HOUSE BILL 1048

J1

4lr0154  
CF SB 212

---

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health)**

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2024

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Behavioral Health Advisory Council and Commission on Behavioral Health**  
3 **Care Treatment and Access – Alterations**

4 FOR the purpose of altering the membership and terms of members of the Behavioral  
5 Health Advisory Council; altering the membership of the Commission on Behavioral  
6 Health Care Treatment and Access; requiring the Commission on Behavioral Health  
7 Care Treatment and Access to meet jointly with the Council; requiring the  
8 Commission, in coordination with the Council, to make recommendations regarding  
9 the continuation of the State’s behavioral health carve-out and the financing  
10 structure and quality oversight necessary to integrate somatic and behavioral health  
11 services and ensure compliance with the Mental Health Parity and Addiction Equity  
12 Act in the Maryland Medical Assistance Program; and generally relating to the  
13 Behavioral Health Advisory Council and the Commission on Behavioral Health Care  
14 Treatment and Access.

15 BY repealing and reenacting, without amendments,  
16 Article – Health – General  
17 Section 7.5–301 and 13–4801(a) and (c)  
18 Annotated Code of Maryland  
19 (2023 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article – Health – General

---

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.



1 Section 7.5–303, 7.5–305, 13–4802, ~~13–4803~~ 13–4803(a) and (f), 13–4805, 13–4806,  
2 and 13–4807  
3 Annotated Code of Maryland  
4 (2023 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
6 That the Laws of Maryland read as follows:

7 **Article – Health – General**

8 7.5–301.

9 In this subtitle, “Council” means the Behavioral Health Advisory Council.

10 7.5–303.

11 (a) (1) The Council consists of the following members:

12 (i) One member of the Senate of Maryland, appointed by the  
13 President of the Senate;

14 (ii) One member of the House of Delegates, appointed by the Speaker  
15 of the House;

16 (iii) Five representatives of the Department, including:

17 1. The Secretary, or the Secretary’s designee;

18 2. The Deputy Secretary for Behavioral Health, or the  
19 Deputy Secretary’s designee;

20 3. The [Director of the Behavioral Health Administration, or  
21 the Director’s designee] **DEPUTY SECRETARY FOR DEVELOPMENTAL DISABILITIES,**  
22 **OR THE DEPUTY SECRETARY’S DESIGNEE;**

23 4. The Executive Director of the Maryland Health Benefit  
24 Exchange, or the Executive Director’s designee; and

25 5. The Deputy Secretary for Health Care Financing, or the  
26 Deputy Secretary’s designee;

27 (iv) The Secretary of Aging, or the Secretary’s designee;

28 (v) The Secretary of Budget and Management, or the Secretary’s  
29 designee;

30 (vi) The Secretary of Disabilities, or the Secretary’s designee;

- 1 (vii) The Secretary of Housing and Community Development, or the  
2 Secretary's designee;
- 3 (viii) The Secretary of Human Services, or the Secretary's designee;
- 4 (ix) The Secretary of Juvenile Services, or the Secretary's designee;
- 5 (x) The Secretary of Public Safety and Correctional Services, or the  
6 Secretary's designee;
- 7 (xi) The [Deputy Director of the Division of Children and Youth of  
8 the Governor's Office of Crime Prevention, Youth, and Victim Services, or the Deputy  
9 Director's designee] **SECRETARY OF LABOR, OR THE SECRETARY'S DESIGNEE;**
- 10 (xii) The Executive Director of the Governor's Office of Crime  
11 Prevention, Youth, and Victim Services, or the Executive Director's designee;
- 12 (xiii) The Executive Director of the Governor's Office of the Deaf and  
13 Hard of Hearing, or the Executive Director's designee;
- 14 (xiv) The Public Defender of Maryland, or the Public Defender's  
15 designee;
- 16 (xv) Two representatives of the State Superintendent of Schools, or  
17 the Superintendent's designee, and the Assistant State Superintendent of the Division of  
18 Rehabilitation Services, or the Assistant State Superintendent's designee;
- 19 (xvi) Two representatives of the Maryland Judiciary, a District Court  
20 judge, and a circuit court judge, appointed by the Chief Justice of the Supreme Court of  
21 Maryland;
- 22 (xvii) The [President of the Maryland Association of Core Service  
23 Agencies, or the President's designee] **EXECUTIVE DIRECTOR OF THE MARYLAND  
24 ASSOCIATION OF BEHAVIORAL HEALTH AUTHORITIES, OR THE EXECUTIVE  
25 DIRECTOR'S DESIGNEE;**
- 26 (xviii) The President of the Maryland Association of County Health  
27 Officers, or the President's designee;
- 28 (xix) Four representatives from county behavioral health advisory  
29 councils, one from each region of the State;
- 30 (xx) One representative, appointed by the Secretary of Health, from  
31 each of the following organizations:

- 1                   1.     Community Behavioral Health Association;
- 2                   2.     [Drug Policy and Public Health Strategies Clinic,  
3 University of Maryland Carey School of Law] **MARYLAND CENTER OF EXCELLENCE ON**  
4 **PROBLEM GAMBLING**;
- 5                   3.     Maryland Addictions Director’s Council;
- 6                   4.     Maryland Association for the Treatment of Opioid  
7 Dependence;
- 8                   5.     Maryland Black Mental Health Alliance;
- 9                   6.     Maryland Coalition of Families;
- 10                  7.     [Maryland Disability Law Center] **DISABILITY RIGHTS**  
11 **MARYLAND**;
- 12                  8.     Maryland Recovery Organization Connecting  
13 Communities;
- 14                  9.     Mental Health Association of Maryland;
- 15                  10.    National Alliance on Mental Illness of Maryland;
- 16                  11.    National Council on Alcoholism and Drug Dependence of  
17 Maryland;
- 18                  12.    On Our Own of Maryland; and
- 19                  13.    Maryland Association of Boards of Education; and
- 20                  (xxi) Two individuals representing the mental health and substance  
21 use disorder treatment community, appointed by the Governor from each of the following:
- 22                  1.     Academic or research professionals who are not State  
23 employees;
- 24                  2.     Medical professionals;
- 25                  3.     Individuals formerly or currently in receipt of behavioral  
26 health services;
- 27                  4.     Family members of individuals with mental health or  
28 substance use disorders;
- 29                  5.     A parent of a young child with behavioral health disorders;

1                                   6.     A youth with a behavioral health disorder who is between  
2 the ages of 16 and 25 years; and

3                                   7.     Individuals active in behavioral health issues within their  
4 community.

5                   (2)     Additional representatives or individuals designated by the Council  
6 shall be appointed by the Secretary.

7           (b)     Members appointed by the Governor under subsection (a)(1)(xxi) of this  
8 section shall be representative, to the extent practicable, of:

9                   (1)     Geographic regions of the State;

10                  (2)     At-risk populations;

11                  (3)     Ethnic, gender, across-the-lifespan, and cultural diversity; and

12                  (4)     Balanced representation from areas of mental health and substance use  
13 disorders.

14           (c)     The Council shall appoint a chair from among the membership of the Council.

15           (d)     (1)     Members appointed by the Governor under subsection (a)(1)(xxi) of this  
16 section:

17                   (i)     Serve a [~~3-year~~] **4-YEAR** term;

18                   (ii)    May serve for a maximum of two consecutive terms;

19                   (iii)  After at least 6 years have passed since serving, may be  
20 reappointed for terms that comply with items (i) and (ii) of this paragraph;

21                   (iv)    At the end of a term, continue to serve until a successor is  
22 appointed and qualifies; and

23                   (v)     If appointed after a term has begun, serve only for the rest of the  
24 term and until a successor is appointed and qualifies.

25                   (2)     Ex officio members serve as long as the member holds the specified  
26 office or designation.

27                   (3)     Notwithstanding any other provisions of this subsection, all members  
28 serve at the pleasure of the Governor.

1 (e) With the consent of the Council, the chair may designate additional  
2 individuals with relevant expertise to serve on a committee or task force.

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

5 **Article – Health – General**

6 7.5–305.

7 The Council shall:

8 (1) Promote and advocate for:

9 (i) Planning, policy, workforce development, and services to ensure  
10 a coordinated, quality system of care that is outcome–guided and that integrates  
11 prevention, recovery, evidence–based practices, and cost–effective strategies that enhance  
12 behavioral health services across the State; and

13 (ii) A culturally competent and comprehensive approach to publicly  
14 funded prevention, early intervention, treatment and recovery services that support and  
15 foster wellness, recovery, resiliency, and health for individuals who have behavioral health  
16 disorders and their family members; and

17 (2) Submit, **IN COORDINATION WITH THE COMMISSION ON**  
18 **BEHAVIORAL HEALTH CARE TREATMENT AND ACCESS**, an annual report to the  
19 Governor and, in accordance with § 2–1257 of the State Government Article, the General  
20 Assembly on or before December 31 of each year.

21 13–4801.

22 (a) In this subtitle the following words have the meanings indicated.

23 (c) “Commission” means the Commission on Behavioral Health Care Treatment  
24 and Access.

25 13–4802.

26 There is a Commission on Behavioral Health Care Treatment and Access, **WHICH**  
27 **SHALL MEET JOINTLY WITH THE BEHAVIORAL HEALTH ADVISORY COUNCIL.**

28 13–4803.

29 (a) The Commission consists of the following members:

30 (1) One member of the Senate of Maryland, appointed by the President of  
31 the Senate;

- 1                   (2)    One member of the House of Delegates, appointed by the Speaker of the  
2 House;
- 3                   (3)    One representative of Maryland's Congressional Delegation;
- 4                   (4)    The Secretary of Health, or the Secretary's designee;
- 5                   (5)    The Secretary of Human Services, or the Secretary's designee;
- 6                   (6)    The Secretary of Juvenile Services, or the Secretary's designee;
- 7                   (7)    The Deputy Secretary for Behavioral Health, or the Deputy Secretary's  
8 designee;
- 9                   (8)    The Maryland Insurance Commissioner, or the Commissioner's  
10 designee;
- 11                   (9)    The Executive Director of the Health Services Cost Review  
12 Commission, or the Executive Director's designee;
- 13                   (10)   The Executive Director of the Maryland Health Care Commission, or  
14 the Executive Director's designee;
- 15                   (11)   The Executive Director of the Maryland Community Health Resources  
16 Commission, or the Executive Director's designee;
- 17                   (12)   The Executive Director of the State-designated health information  
18 exchange, or the Executive Director's designee;
- 19                   (13)   The Executive Director of the Governor's Office of Crime Prevention,  
20 Youth, and Victim Services, or the Executive Director's designee;
- 21                   (14)   The Secretary of the Maryland Department of Disabilities, or the  
22 Secretary's designee;
- 23                   (15)   The Secretary of the Department of Public Safety and Correctional  
24 Services, or the Secretary's designee;
- 25                   (16)   The Special Secretary of Opioid Response, or the Special Secretary's  
26 designee; [and]
- 27                   (17)   THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;  
28 AND
- 29                   [(17)] (18)   The following members appointed by the Governor:

- 1 (i) One representative of the Mental Health Association of  
2 Maryland;
- 3 (ii) One representative of the National Alliance on Mental Illness;
- 4 (iii) One representative of the Community Behavioral Health  
5 Association of Maryland;
- 6 (iv) One representative of a provider of residential behavioral health  
7 services;
- 8 (v) One representative of an acute care hospital;
- 9 (vi) One representative of an inpatient psychiatric hospital;
- 10 (vii) One individual with experience as a consumer of behavioral  
11 health services;
- 12 (viii) One family member of an individual with experience as a  
13 consumer of behavioral health services;
- 14 (ix) One representative of a provider of substance use treatment  
15 services;
- 16 (x) One representative of a school-based health center;
- 17 (xi) One individual with expertise in social determinants of health;
- 18 (xii) One individual with expertise in health economics;
- 19 (xiii) One representative of a health insurance carrier;
- 20 (xiv) One representative of a managed care organization;
- 21 (xv) One representative from the Office of the Public Defender;
- 22 (xvi) One representative of the Developmental Disability Coalition;
- 23 (xvii) One representative of the Maryland Chapter of the National  
24 Council on Alcoholism and Drug Dependence;
- 25 (xviii) One representative of the Maryland Psychological Association;
- 26 (xix) One representative of Disability Rights Maryland;
- 27 (xx) One representative of a Federally Qualified Health Center;



1                    (xxi) One representative of a local behavioral health authority; [and]

2                    (xxii) One individual with an intellectual disability who uses  
3 self-directed behavioral health services; AND

4                    (XXIII) ONE REPRESENTATIVE OF THE MARYLAND STATE'S  
5 ATTORNEYS' ASSOCIATION.

6            (f)        The Commission shall meet at least three times per year at the times and  
7 places determined **JOINTLY** by the Commission **AND THE BEHAVIORAL HEALTH**  
8 **ADVISORY COUNCIL.**

9 13-4805.

10            The Commission shall:

11            (1)        Conduct an assessment of behavioral health services in the State to  
12 identify needs and gaps in services across the continuum, including community-based  
13 outpatient and support services, crisis response, and inpatient care;

14            (2)        Examine the methods for reimbursing behavioral health care services  
15 in the State and make recommendations on the most effective forms of reimbursement to  
16 maximize service delivery;

17            (3)        Compile findings of State-specific needs assessments related to  
18 behavioral health care services;

19            (4)        Review recommendations and reports of State commissions,  
20 workgroups, or task forces related to behavioral health care services;

21            (5)        Conduct a needs assessment on the State's behavioral health care  
22 workforce to identify gaps and make recommendations to ensure an adequate, culturally  
23 competent, and diverse workforce across the behavioral health care continuum;

24            (6)        Review trends and best practices from other states regarding policy and  
25 reimbursement strategies that support access to a comprehensive array of services and  
26 ensure quality of care;

27            (7)        Examine and make recommendations related to the behavioral health  
28 of the geriatric and youth populations in the State;

29            (8)        Examine and make recommendations to provide appropriate and  
30 adequate behavioral health services to individuals with developmental disabilities and  
31 complex behavioral health needs, specifically youth;

1 (9) Assess the health infrastructure, facilities, personnel, and services  
2 available for the State's forensic population and identify deficiencies in resources and  
3 policies needed to prioritize health outcomes, increase public safety, and reduce recidivism;

4 (10) Make recommendations on expanding behavioral health treatment  
5 access for the State's court-ordered population;

6 (11) Make recommendations on action plans regarding the behavioral  
7 health care system's capacity to prepare for and respond to future challenges affecting the  
8 entire State or particular regions or populations in the State, including pandemics and  
9 extreme weather events;

10 (12) Make recommendations to ensure that behavioral health treatment is  
11 provided in the appropriate setting, including methods to divert behavioral health patients  
12 from emergency departments by using the Maryland Mental Health and Substance Use  
13 Disorder Registry and Referral System established under § 7.5-802 of this article and  
14 2-1-1;

15 (13) Examine and review the use of harm reduction strategies to facilitate  
16 access to care; [and]

17 (14) Examine methods to assist consumers in accessing behavioral health  
18 services; AND

19 (15) **MAKE, IN COORDINATION WITH THE BEHAVIORAL HEALTH**  
20 **ADVISORY COUNCIL, RECOMMENDATIONS REGARDING THE CONTINUATION OF THE**  
21 **STATE'S BEHAVIORAL HEALTH CARVE-OUT AND THE FINANCING STRUCTURE AND**  
22 **QUALITY OVERSIGHT NECESSARY TO INTEGRATE SOMATIC AND BEHAVIORAL**  
23 **HEALTH SERVICES AND ENSURE COMPLIANCE WITH THE MENTAL HEALTH PARITY**  
24 **AND ADDICTION EQUITY ACT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM.**

25 13-4806.

26 (a) The Commission shall establish the following workgroups:

27 (1) Geriatric behavioral health;

28 (2) Youth behavioral health, individuals with developmental disabilities,  
29 and individuals with complex behavioral health needs;

30 (3) Criminal justice-involved behavioral health; and

31 (4) Behavioral health workforce development, infrastructure, coordination,  
32 and financing.

1 (b) The workgroups established under subsection (a) of this section shall meet at  
2 least two times per year at the times and places determined by the workgroup.

3 (c) The workgroups established under subsection (a) of this section shall include  
4 members of the Commission and may include individuals invited by the Commission **OR**  
5 **THE BEHAVIORAL HEALTH ADVISORY COUNCIL** to serve on the workgroup.

6 (d) On or before ~~[December]~~ **JULY** 1 each year, beginning in ~~[2023]~~ **2024**, the  
7 workgroups established under subsection (a) of this section shall report and make  
8 recommendations to the Commission **AND THE BEHAVIORAL HEALTH ADVISORY**  
9 **COUNCIL**.

10 13–4807.

11 (a) (1) On or before January 1 each year, beginning in 2024, the Commission,  
12 **IN COORDINATION WITH THE BEHAVIORAL HEALTH ADVISORY COUNCIL**, shall  
13 report to the Governor and, in accordance with § 2–1257 of the State Government Article,  
14 the General Assembly on the Commission’s findings and recommendations, including  
15 funding and legislative recommendations, that are consistent with providing appropriate,  
16 accessible, and comprehensive behavioral health services that are available on demand to  
17 individuals in the State across the behavioral health continuum.

18 (2) Any legislative recommendations included in the report required under  
19 paragraph (1) of this subsection that require funding shall include an estimate of the  
20 funding required to implement the recommendation and information that supports the  
21 funding estimate.

22 (b) The report required on or before January 1, 2024, shall include the findings of  
23 the needs assessments required under § 13–4805 of this subtitle.

24 (c) ~~THE REPORT REQUIRED ON OR BEFORE JANUARY 1, 2025, SHALL~~  
25 ~~INCLUDE~~ **JULY 1, 2025, THE COMMISSION, IN COORDINATION WITH THE**  
26 **BEHAVIORAL HEALTH ADVISORY COUNCIL, SHALL REPORT TO THE GOVERNOR**  
27 **AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE**  
28 **GENERAL ASSEMBLY ON THE COMMISSION’S FINDINGS AND RECOMMENDATIONS**  
29 **REGARDING THE CONTINUATION OF THE STATE’S BEHAVIORAL HEALTH CARVE-OUT**  
30 **AND THE FINANCING STRUCTURE AND QUALITY OVERSIGHT NECESSARY TO**  
31 **INTEGRATE SOMATIC AND BEHAVIORAL HEALTH CARE SERVICES IN THE MARYLAND**  
32 **MEDICAL ASSISTANCE PROGRAM.**

33 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General  
34 Assembly that the Maryland Department of Health shall:

35 (1) evaluate the Innovation in Behavioral Health Model announced by the  
36 Centers for Medicare and Medicaid Services on January 18, 2024; and

1                   (2)   consider applying to the Centers for Medicare and Medicaid Services to  
2 participate in the Innovation in Behavioral Health Model.

3           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2024. Section 2 of this Act shall remain effective until the taking effect of the  
5 termination provision specified in Section 8 of Chapters 290 and 291 of the Acts of the  
6 General Assembly of 2023. If that termination provision takes effect, Section 2 of this Act,  
7 with no further action required by the General Assembly, shall be abrogated and of no  
8 further force and effect. Section 2 of this Act may not be interpreted to have any effect on  
9 that termination provision.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.