

HOUSE BILL 1249

J1, J3

3lr3036
CF SB 362

By: **Delegates Hornberger and D. Jones**
Introduced and read first time: February 16, 2023
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Certified Community Behavioral Health Clinics – Established**

3 FOR the purpose of requiring, on or before a certain date, the Maryland Department of
4 Health to submit a State plan amendment to the Centers for Medicare and Medicaid
5 Services to establish certified community behavioral health clinics; requiring, if the
6 Centers for Medicare and Medicaid Services approves the amendment, the
7 Department to amend the State plan to cover certain services; requiring the
8 Department to establish certain payment systems for certified community
9 behavioral health clinics; and generally relating to certified community behavioral
10 health clinics.

11 BY adding to
12 Article – Health – General
13 Section 15–141.5
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2022 Supplement)

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

18 **Article – Health – General**

19 **15–141.5.**

20 (A) IN THIS SECTION, “CERTIFIED COMMUNITY BEHAVIORAL HEALTH
21 CLINIC” MEANS A NONPROFIT COMPREHENSIVE COMMUNITY MENTAL HEALTH OR
22 SUBSTANCE USE TREATMENT ORGANIZATION LICENSED BY THE STATE THAT MEETS
23 THE FEDERAL CERTIFICATION CRITERIA OF § 223 OF THE FEDERAL PROTECTING
24 ACCESS TO MEDICARE ACT OF 2014 AND OFFERS, DIRECTLY OR INDIRECTLY
25 THROUGH FORMAL REFERRAL RELATIONSHIPS WITH OTHER PROVIDERS, THE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 FOLLOWING SERVICES:

2 (1) OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES;

3 (2) 24-HOUR MOBILE CRISIS RESPONSE AND HOTLINE SERVICES;

4 (3) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK
5 ASSESSMENTS;

6 (4) PERSON-CENTERED TREATMENT PLANNING;

7 (5) PRIMARY CARE SCREENING AND MONITORING OF KEY
8 INDICATORS OF HEALTH RISKS;

9 (6) TARGETED CASE MANAGEMENT;

10 (7) PSYCHIATRIC REHABILITATION SERVICES;

11 (8) PEER SUPPORT AND FAMILY SUPPORTS;

12 (9) MEDICATION-ASSISTED TREATMENT;

13 (10) ASSERTIVE COMMUNITY TREATMENT; AND

14 (11) COMMUNITY-BASED MENTAL HEALTH CARE FOR MILITARY
15 SERVICE MEMBERS AND VETERANS.

16 (B) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL SUBMIT
17 A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID
18 SERVICES TO ESTABLISH CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN
19 ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE
20 ACT OF 2014.

21 (C) IF THE AMENDMENT SUBMITTED UNDER SUBSECTION (B) OF THIS
22 SECTION IS APPROVED, THE DEPARTMENT SHALL AMEND THE STATE PLAN IN
23 ACCORDANCE WITH TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY ACT AS
24 NECESSARY TO COVER:

25 (1) ALL REQUIRED SERVICES FOR INDIVIDUALS WITH MENTAL
26 HEALTH NEEDS OR SUBSTANCE USE DISORDERS AT CERTIFIED COMMUNITY
27 BEHAVIORAL HEALTH CLINICS THROUGH A DAILY BUNDLED PAYMENT
28 METHODOLOGY THAT IS IN ALIGNMENT WITH FEDERAL PAYMENT FROM THE
29 CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE CERTIFIED

1 COMMUNITY BEHAVIORAL HEALTH CLINICS MEDICAID DEMONSTRATION UNDER §
2 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE ACT OF 2014; AND

3 (2) ANY ADDITIONAL SERVICES IDENTIFIED BY THE DEPARTMENT.

4 (D) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS AND
5 METHODOLOGIES FOR A PROSPECTIVE PAYMENT SYSTEM TO REIMBURSE A
6 CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC UNDER THE PROGRAM ON A
7 PREDETERMINED FIXED AMOUNT PER DAY FOR COVERED SERVICES PROVIDED TO A
8 PROGRAM RECIPIENT.

9 (2) THE PROSPECTIVE PAYMENT RATE FOR A CERTIFIED COMMUNITY
10 BEHAVIORAL HEALTH CLINIC SHALL:

11 (I) BE ADJUSTED ONCE EVERY 3 YEARS BY THE MEDICARE
12 ECONOMIC INDEX IN ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING
13 ACCESS TO MEDICARE ACT OF 2014; AND

14 (II) ALLOW FOR MODIFICATIONS BASED ON A CHANGE IN SCOPE
15 FOR AN INDIVIDUAL CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.

16 (3) THE DEPARTMENT MAY CONSIDER RATE ADJUSTMENTS ON
17 REQUEST BY A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.

18 (E) (1) THE DEPARTMENT SHALL ESTABLISH A QUALITY INCENTIVE
19 PAYMENT SYSTEM FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC
20 THAT ACHIEVES SPECIFIED THRESHOLDS ON PERFORMANCE METRICS
21 ESTABLISHED BY THE DEPARTMENT.

22 (2) THE QUALITY INCENTIVE PAYMENT SYSTEM ESTABLISHED UNDER
23 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE PROSPECTIVE
24 PAYMENT RATE ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2023.