

HOUSE No. 4709

The Commonwealth of Massachusetts



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April 14, 2022

To the Honorable House of Representatives,

I am returning unsigned House Bill No. 4288, “An Act establishing the behavioral health trust fund and the behavioral health advisory commission”.

This bill was originally included as an outside section in House Bill No. 4269, “An Act relative to immediate COVID-19 recovery needs,” legislation which appropriated \$2.55 billion in federal resources made available by the American Rescue Plan Act of 2021, Pub. L. 117-2 (March 11, 2021) (ARPA), in addition to \$1.45 billion in state fiscal year 2021 surplus dollars. The outside section established a Behavioral Health Trust Fund to address barriers to the delivery of an equitable, culturally competent, affordable, and clinically appropriate continuum of behavioral health care and services. As drafted, the Trust was funded with a transfer of approximately \$198 million from the Behavioral Health Reserve Account (line 1599-2026), subject to further appropriation by the Legislature. A twenty-member Behavioral Health Advisory Commission that included members of the Legislature was established to make recommendations on funding to the Legislature for further appropriation from the Trust.

As I explained in returning the earlier legislation, I strongly support the establishment of this Behavioral Health Trust Fund and its enumerated goals. However, the original section set forth a lengthy, bureaucratic process that would have unnecessarily delayed the delivery of critical funding to behavioral health care providers and urgently needed care to Massachusetts residents with behavioral health disorders. Rather than facilitating targeted expenditures directly from the Trust, the Advisory Commission was designed as the first step in a second round of an

already protracted appropriations process. To address this issue, in the section that I returned for the Legislature's consideration, the funds in the Trust would have become available for expenditure immediately upon the submission of recommendations from the Advisory Commission, which were due by March 1, 2022. Nevertheless, the redundant layer of appropriation has been reinstated in the amended legislation now on my desk.

Far too much time has passed without deploying these critical resources to address the increase in need for behavioral health services, a crisis exacerbated by the impacts of the pandemic. For this reason, without delay, I encourage the Legislature to appropriate \$198 million from the Behavioral Health Reserve Account established in the COVID-19 relief bill to address barriers to the delivery of an equitable, culturally competent, affordable, and clinically appropriate continuum of behavioral health care and services. Recall that the federal funding appropriated in the underlying spending bill was allocated to the Commonwealth in May of 2021. Unfortunately, the language in this bill does not incorporate my suggestion to accelerate the use of these funds and thus leaves my primary concern regarding this Trust unaddressed.

For this reason, I am returning House Bill No. 4288 unsigned.

I approve the remainder of this Act.

Respectfully submitted,

Charles D. Baker,
Governor