

Chapter 287

(House Bill 418)

AN ACT concerning

Mental Health – Workforce Development – Fund Established

FOR the purpose of establishing the Behavioral Health Workforce Investment Fund as a special, nonlapsing fund; requiring that the interest earnings of the Fund be credited to the Fund; requiring the Maryland Health Care Commission to conduct a comprehensive behavioral health workforce needs assessment on or before a certain date; and generally relating to the Behavioral Health Workforce Investment Fund.

BY adding to

Article – Health – General

Section 10–1601 through 10–1603 to be under the new subtitle “Subtitle 16. Behavioral Health Workforce Investment Fund”

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)170. and 171.

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)172.

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

Article – Health – General

SUBTITLE 16. BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND.

10-1601.

IN THIS SUBTITLE, “FUND” MEANS THE BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND ESTABLISHED UNDER § 10-1602 OF THIS SUBTITLE.

10-1602.

(A) THERE IS A BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE REIMBURSEMENT FOR COSTS ASSOCIATED WITH EDUCATING, TRAINING, CERTIFYING, RECRUITING, PLACING, AND RETAINING BEHAVIORAL HEALTH PROFESSIONALS AND PARAPROFESSIONALS.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND SHALL CONSIST OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INTEREST EARNINGS OF THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR CARRYING OUT THE PURPOSE OF THE FUND.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(I) MONEY EXPENDED FROM THE FUND FOR CARRYING OUT THE PURPOSE OF THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR CARRYING OUT THE PURPOSE OF THE FUND.

(J) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

- (1) THE GENERAL FUND OF THE STATE; OR**
- (2) ANY OTHER SPECIAL FUND OF THE STATE.**

(K) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

10-1603.

ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2024, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATIVE POLICY COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES:

(1) FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE AMOUNT OF FUNDS TRANSFERRED AND DISTRIBUTED FROM THE FUND IN ACCORDANCE WITH § 10-1602 OF THIS SUBTITLE;

(2) FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE NUMBER OF BEHAVIORAL HEALTH PROFESSIONALS AND PARAPROFESSIONALS EDUCATED, TRAINED, RECRUITED, CERTIFIED, PLACED, OR RETAINED WITH MONEY FROM THE FUND, AGGREGATED BY:

- (I) THE TYPE OF PROFESSIONAL OR PARAPROFESSIONAL;**
- (II) GEOGRAPHIC REGION;**
- (III) RACE; AND**
- (IV) ETHNICITY;**

(3) THE AMOUNT OF ANY UNSPENT FUNDS IN THE FUND AT THE END OF THE IMMEDIATELY PRECEDING FISCAL YEAR; AND

(4) IF UNSPENT FUNDS ARE IDENTIFIED UNDER ITEM (3) OF THIS SECTION, THE REASONS WHY THE FUNDS WERE NOT SPENT.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

170. the Cannabis Public Health Fund; [and]

171. the Community Reinvestment and Repair Fund; AND

172. THE BEHAVIORAL HEALTH WORKFORCE INVESTMENT FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before ~~December 1, 2023~~ October 1, 2024, the Maryland Health Care Commission, in coordination with the Behavioral Health Administration, the Maryland Higher Education Commission, the Maryland Department of Labor, the Career and Technical Education Committee, and other interested stakeholders, shall conduct a comprehensive behavioral health workforce needs assessment.

(b) The assessment shall:

(1) determine the immediate, intermediate, and long-term unmet need and capacity of the behavioral health workforce in the State, including demographics and gaps in specific professionals and paraprofessionals, accounting for retirements and other turnover;

(2) calculate the total number of additional behavioral health professionals and paraprofessionals needed over the next 5 years, 10 years, and 20 years;

(3) make findings and recommendations regarding the types of training, education, and tuition assistance programs necessary to certify, recruit, place, supervise, and retain the additional behavioral health professionals and paraprofessionals identified in item (2) of this subsection; and

(4) recommend an initial allocation to the Behavioral Health Workforce Investment Fund established under § 10–1602 of the Health – General Article, as enacted by Section 1 of this Act, and identify specifically which programs the allocation will support and the number of professionals and paraprofessionals the allocation will train, certify, recruit, and place.

(c) On or before ~~December 15, 2023~~ October 15, 2024, the Maryland Health Care Commission shall submit the assessment to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 3, 2023.