

HOUSE BILL 766

O4, F5, O1

(2lr2519)

ENROLLED BILL

— *Ways and Means/Finance* —

Introduced by **Delegate Kaiser**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

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

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Children – Residential Treatment Centers – Education Funding**

3 FOR the purpose of authorizing certain core service agencies, local behavioral health
4 authorities, and local addictions authorities to approve certain funding for certain
5 youths' educational costs incurred during admission to residential treatment centers
6 under certain circumstances; and generally relating to certain core service agencies,
7 local behavioral health authorities, and local addictions authorities and certain
8 education funding for youths.

9 BY repealing and reenacting, without amendments,

10 Article – Education

11 Section 8–406

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2021 Supplement)

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.



1 BY repealing and reenacting, without amendments,
2 Article – Health – General
3 Section 7.5–101(a), (g), and (k)
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2021 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 10–1202
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2021 Supplement)

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

13 **Article – Education**

14 8–406.

15 (a) In this section, “wraparound services”:

16 (1) Means individualized services, excluding regular school programs or
17 services, that are provided to a child with a disability and the child’s family; and

18 (2) Includes the following services:

19 (i) Behavioral aide in home;

20 (ii) Education tutoring;

21 (iii) Family therapy;

22 (iv) Medication management;

23 (v) Respite care;

24 (vi) Vocational mentoring; and

25 (vii) Environmental accessibility adaptations.

26 (b) (1) A child with a disability who needs special education and related
27 services that cannot be provided in a public county, regional, or State program shall be
28 placed in an appropriate nonpublic educational program that offers these services.

29 (2) A child with a disability who needs special education and related
30 services is eligible for an appropriate nonpublic educational placement under this section

1 if a State or local agency provides documentation that the child cannot attend a public
2 school in the local school system:

3 (i) Because of the child's home circumstances; or

4 (ii) Subject to subsection (d)(1) and (2) of this section, because of
5 medical necessity.

6 (c) (1) The cost of the nonpublic educational program shall be paid by the State
7 and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle,
8 as appropriate.

9 (2) Subject to availability of funding in the State budget, for a child who
10 qualifies for a nonpublic educational program under subsection (b)(2) of this section and
11 who requires wraparound services in order to receive special education and related services
12 in the least restrictive environment, the cost of providing the services shall be paid by the
13 State and the county in which the child is domiciled in accordance with § 8-415(d) of this
14 subtitle, if a State or local agency documents that the child's parent or legal guardian is
15 unable to provide the wraparound services.

16 (d) (1) Payment or reimbursement for a nonpublic program may not be
17 provided if the payment or reimbursement would require an additional contribution from
18 the State under § 8-415(d)(2) of this subtitle unless the Department approves:

19 (i) The nonpublic program;

20 (ii) The placement of the child in the program;

21 (iii) The cost of the program; and

22 (iv) The amount of payment or reimbursement.

23 (2) For wraparound services, payment or reimbursement may not be
24 provided in accordance with § 8-415(d) of this subtitle if:

25 (i) The child is eligible for funding for out-of-state placement of
26 children under departmental regulations; or

27 (ii) Alternative federal, State, or local funding is available.

28 (3) Department approval is not required for a nonpublic program if:

29 (i) The local school system approves the placement of the child in
30 the program; and

31 (ii) The local school system makes the payment or reimbursement
32 from local funds.

1 (4) The State Board shall adopt regulations that establish standards and
2 guidelines for approvals required by paragraph (3) of this subsection.

3 (e) A nonpublic placement recommended by a local school system for approval
4 under subsection (d)(1) of this section shall be approved or disapproved pursuant to the
5 regulations of the State Board. However, the Department may not disapprove a nonpublic
6 placement recommended by a local school system for a child unless the Department
7 provides an appropriate alternative placement in conformity with the regulations of the
8 State Board and applicable federal laws and regulations. The Department may not
9 terminate funding for the last approved nonpublic placement of a child during the pendency
10 of an administrative or judicial review of a recommended placement change.

11 (f) In addition to meeting the requirements of this subtitle, a local school system
12 seeking nonpublic tuition payment shall obtain funding approval from the local
13 coordinating council and the State Coordinating Council in accordance with departmental
14 regulations.

15 Article – Health – General

16 7.5–101.

17 (a) In this title the following words have the meanings indicated.

18 (g) “Core service agency” means the designated county or multicounty authority
19 that is responsible for planning, managing, and monitoring publicly funded mental health
20 services.

21 (k) “Local behavioral health authority” means the designated county or
22 multicounty authority that is responsible for planning, managing, and monitoring publicly
23 funded mental health, substance–related disorder, and addictive disorder services.

24 10–1202.

25 (a) A core service agency, local addictions authority, or local behavioral health
26 authority shall:

27 (1) Be an agent of a county or Baltimore City government which may
28 include a local health department;

29 (2) Unless an exception is requested by an individual county and is granted
30 by the Secretary, serve a county or counties with an estimated population of over 80,000
31 people;

32 (3) Either purchase services or provide the services directly;

1 (4) Annually submit a program plan to the secretaries of the affected State
2 departments for review and to the Director for approval; and

3 (5) Meet the standards required under this subtitle and, as needed, the
4 rules and regulations set by the Secretary.

5 (b) A core service agency, local addictions authority, or local behavioral health
6 authority may not be a for-profit entity.

7 (c) Each core service agency, local addictions authority, or local behavioral health
8 authority shall function under the Secretary's authority.

9 (d) Once established in a jurisdiction, the core service agency, local addictions
10 authority, or local behavioral health authority shall:

11 (1) Submit, on an annual basis, a program plan to the Director for
12 approval;

13 (2) Incorporate in its method of governance a mechanism for the local
14 county mental health advisory committee, local drug and alcohol abuse council, or joint
15 mental health and substance-related committee to serve as the advisory committee to the
16 core service agency, local addictions authority, or local behavioral health authority and, if
17 serving more than 1 unit of government, a method of representation serving those
18 jurisdictions;

19 (3) Implement guidelines developed by the Director which establish or
20 designate the authority of the local mental health advisory committee, local drug and
21 alcohol abuse council, or joint mental health and substance-related committee to advise
22 and assist in the planning and evaluation of the publicly funded mental health and
23 substance-related disorder services;

24 (4) In accordance with guidelines developed by the Director, develop
25 planning, management, and accountability mechanisms for the delivery of services
26 including:

27 (i) Case management;

28 (ii) Data collection which satisfies the Department's requirements
29 for client tracking and incorporates clear outcome measures to enable the local entity to
30 govern itself and monitor and evaluate the system; and

31 (iii) A yearly summary which includes at a minimum:

32 1. Relevant financial statements; and

33 2. Program evaluation reports which articulate the core
34 service agency's, local addictions authority's, or local behavioral health authority's ability

1 to identify the outcomes of services provided for the target populations and the effects of
2 those services on program planning for the target population;

3 (5) As an agent of county government, function in any of the following
4 organizational structures:

5 (i) A unit of county or Baltimore City government;

6 (ii) A local health department;

7 (iii) A quasi-public authority; or

8 (iv) A private, nonprofit corporation;

9 (6) Be authorized to screen individuals for whom voluntary or involuntary
10 admission is being initiated to determine whether a less restrictive alternative can be
11 provided; [and]

12 (7) **SUBJECT TO THE AVAILABILITY OF FUNDING IN THE STATE**
13 **BUDGET, BE AUTHORIZED TO APPROVE FUNDING FOR A YOUTH'S EDUCATIONAL**
14 **COSTS INCURRED DURING A RESIDENTIAL TREATMENT CENTER ADMISSION MADE**
15 **FOR MEDICAL OR PSYCHIATRIC PURPOSES IN ACCORDANCE WITH ITEM (6) OF THIS**
16 **SUBSECTION IF THE EDUCATIONAL COSTS ARE NOT COVERED UNDER § 8-406 OF**
17 **THE EDUCATION ARTICLE; AND**

18 (8) Provide clear guidelines to avoid either the appearance or occurrence of
19 conflicts of interest in the direction and operation of the core service agency, local addictions
20 authority, or local behavioral health authority or organizations which provide mental
21 health or substance-related services.

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) It is the intent of the General Assembly that general funds be provided in
24 fiscal year ~~2024~~ 2025 and each fiscal year thereafter to the Maryland Department of Health
25 to carry out Section 1 of this Act.

26 (b) Any general funds appropriated under subsection (a) of this section shall be
27 used for administrative and educational costs under § 10-1202(d)(7) of the Health –
28 General Article, as enacted by Section 1 of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~
30 January 1, ~~2022~~ ~~2023~~ 2024.