

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 1280

(Delegate Pena-Melnyk)

Health and Government Operations

Finance

Health - Maryland Behavioral Health and Public Safety Center of Excellence -  
 Establishment

This bill establishes the Maryland Behavioral Health and Public Safety Center of Excellence within the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). The center’s activities must include strategic planning, technical assistance, State and local government coordination, and facilitation of train-the-trainer courses for the “Sequential Intercept Model” (SIM) for completion in 2021. The center must develop (1) a statewide model for law enforcement-assisted diversion; (2) recommendations for pretrial services; (3) procedures for sharing deflection and diversion statistics between relevant State agencies; (4) recommendations for statewide implementation of law enforcement-assisted diversion programs; and (5) a statewide model for community crisis intervention services other than law enforcement. The center must host one State SIM Summit each year, and produce and update a specified statewide strategic plan by December 1, 2022, and annually thereafter. **The bill takes effect July 1, 2021.**

Fiscal Summary

**State Effect:** Federal fund revenues and expenditures increase to the extent the center receives and disburses such funds. General fund expenditures increase by \$82,400 in FY 2022 to hire staff for the center. Future years reflect minimum ongoing costs; costs are likely significantly higher beginning in FY 2023 to complete the required racial impact analysis.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
FF Revenue	-	-	-	-	-
GF Expenditure	\$82,400	\$73,800	\$76,000	\$78,700	\$81,500
FF Expenditure	-	-	-	-	-
Net Effect	(\$82,400)	(\$73,800)	(\$76,000)	(\$78,700)	(\$81,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

**Local Effect:** Local jurisdictions likely incur costs, which could be significant, to prepare the required racial impact analysis as part of their two-year community health and public safety plan. Local revenues and expenditures may increase from disbursements from the center, as discussed below. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary:** “Sequential Intercept Model” means a systems-level framework for criminal justice and behavioral health stakeholders to prevent entrance into the criminal justice system, minimize penetration into the criminal justice system, and engage individuals with behavioral health services and recovery supports as they transition into the community from the criminal justice system.

### *Maryland Behavioral Health and Public Safety Center of Excellence*

The purposes of the center are to:

- act as the statewide information repository for behavioral health treatment and diversion programs related to the criminal justice system;
- lead the development of a strategic plan to increase treatment and reduce the detention of individuals with behavioral health disorders involved in the criminal justice system;
- provide technical assistance to local governments for developing effective behavioral health systems of care that prevent and minimize involvement with the criminal justice system for individuals with behavioral health disorders;
- facilitate local or regional planning workshops using SIM;
- coordinate with the Maryland Department of Health (MDH) and the Behavioral Health Administration to implement and track the progress of creating an effective behavioral health system of care in the State relating to individuals involved in the criminal justice system; and
- identify and inform any relevant stakeholders of any federal funding available to the center for carrying out the mission of the center, including through the provision of grants, scholarships, and other funding to recipients engaged in training, the provision of services, or the study of matters relating to behavioral health, public safety, and criminal justice.

The center must continuously monitor and analyze its models, plans, policies, strategies, programs, technical assistance, and training for their validity and for opportunities to reduce and eliminate disparities in the criminalization of racial minorities with behavioral health disorders and increase access to culturally competent care.

#### *Administration of the Maryland Behavioral Health and Public Safety Center of Excellence*

GOCPYVS must appoint specified individuals to jointly oversee the center who may be associated with the Crisis Intervention Team Center of Excellence within GOCPYVS. The center may (1) designate points of contact throughout the State who specialize in behavioral health treatment within the criminal justice system to brief the center on the progress of statewide implementation of diversion programs; (2) coordinate with the Justice Reinvestment Oversight Board and other State entities working to reduce State and local detention facility populations and recidivism; and (3) enter into contracts with the University of Maryland System, Maryland historically black colleges and universities (HBCUs), or other entities or organization for the purposes of carrying out its mission. The operation of the center is subject to the limitations of the State budget.

The center must (1) provide technical assistance to local governments for specified purposes; (2) support county or regional SIM mapping workshops and summarize results in reports that inform cross-agency planning and program development; and (3) implement systems and policies that establish a regional approach to community health and public safety, as specified.

#### *Statewide Strategic Plan*

By December 1, 2022, and annually thereafter, the center must produce and update a multiyear strategic plan to implement the recommendations of the report of the annual State SIM Summit. The strategic plan must include (1) a plan for formal, consistent, appropriate, and coordinated behavioral health screening processes that are properly applied at jail booking; (2) recommendations for the coordination of behavioral health and criminal justice initiatives with related State health initiatives; (3) recommendations for investment in preventive services systems, as specified; (4) an expansion of the use of technology and data analysis across the behavioral health, public safety, and criminal justice systems in accordance with the center's purposes; (5) a plan for expanding the use of peer support services across intercepts; and (6) a "racial impact analysis" (a systematic examination of how racial minorities are or will be impacted by existing or proposed models, plans, policies, strategies, programs, processes, or recommendations). In developing the strategic plan, the center must make specified considerations relating to opportunities for pre-crisis-to-recovery services, housing, and transportation.

### *Local Community Health and Public Safety Plan*

Each local jurisdiction must collaborate with the center, local health department (LHD), local department of human services, behavioral health coordinators for the local school system, the local health improvement council, community-based behavioral health providers, a representative of the NAACP, a representative of public defenders, and other key stakeholders to develop a two-year community health and public safety plan. A local jurisdiction is encouraged to use an existing local planning and coordinating committee or local management board (LMB) to satisfy the bill's collaboration requirements.

The plan must include (1) an assessment of the capacity of the local behavioral system; (2) recommendations for the enhancement of the local crisis response system; (3) recommendations for the enhancement of the local behavioral health care system, including culturally competent care; (4) an analysis of federal grant funds available to the county or jurisdiction; and (5) a racial impact analysis.

### *Intent of the General Assembly*

The bill expresses the intent of the General Assembly that the center apply to the federal Substance Abuse and Mental Health Services Administration (SAMHSA) for grant funding to hold subsequent annual State SIM Summits and identify opportunities to fund (1) behavioral health crisis grants; (2) training for 9-1-1 operators; (3) peer support services; (4) behavioral health screenings; (5) scholarships for students who attend a Maryland HBCU to study behavioral health-, public safety-, or criminal justice-related issues; and (6) behavioral health initiatives in rural communities.

### **Current Law:**

#### *Governor's Office of Crime Prevention, Youth, and Victim Services*

GOCPYVS serves as a coordinating office that advises the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims.

#### *Emergency Number Systems Board*

The Emergency Number Services Board (ENSB) within the Department of Public Safety and Correctional Services (DPSCS) is the agency responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system. Its responsibilities include, among other things, ensuring the inspection of Public Safety Answering Points (PSAPs) and establishing training standards for PSAP personnel based on national best practices.

**State Fiscal Effect:** GOCPYVS must seek funding from SAMHSA in order to hold subsequent State SIM summits annually and, to the extent practicable, identify opportunities to fund specified activities. Thus, federal fund revenues increase from any federal funds that GOCPYVS receives; federal fund expenditures increase accordingly.

General fund expenditures for GOCPYVS increase by \$82,358 in fiscal 2022, which accounts for the bill’s July 1, 2021 effective date. This estimate reflects the cost of hiring one data analyst to provide staff for the center, collect data, and author much of the required statewide strategic plan by December 1, 2022, and each update of that plan annually thereafter. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$76,613
Operating Expenses	<u>5,745</u>
<b>FY 2022 State Expenditures</b>	<b>\$82,358</b>

Future year expenditures reflect annual increases and employee turnover and ongoing operating expenses. However, additional and potentially significant costs are incurred. Though they cannot be reliably quantified at this time, general fund expenditures increase beginning in fiscal 2023 to conduct the required racial impact analysis for the initial statewide strategic plan and each annual update of that plan. These costs likely involve a contract with the University System of Maryland and/or an HBCU for survey work. To the extent the center contracts with a public senior higher education institution to assist in the racial impact analysis, higher education revenues and expenditures increase.

*Maryland Department of Health*

Federal fund revenues and expenditures for MDH may increase to the extent that MDH receives funding from the center for specified purposes, including behavioral health crisis grants.

*Department of Public Safety and Correctional Services*

ENSB has historically advised that it funds the costs of training classes for PSAP dispatchers in local jurisdictions. Thus, federal fund revenues and expenditures for DPSCS may increase to the extent that ENSB receives funding from the center to train 9-1-1 operators.

**Local Fiscal Effect:** A local jurisdiction is encouraged to use an existing local planning and coordinating committee or LMB to meet the bill’s collaboration requirements. Thus, local jurisdictions can likely develop much of the required two-year community health and

public safety plan with existing budgeted resources. To the extent that additional staff is needed, expenditures may increase. Further, as for the center, the requirement for that plan to include a racial impact analysis likely increases costs, potentially significantly so.

To the extent that an LHD or local behavioral health authority receives funding from the center for specified purposes, including behavioral health screenings and behavioral health initiatives for rural communities, local revenues and expenditures may increase.

**Additional Comments:** The 2020 [final report](#) of the Commission to Study Mental and Behavioral Health, chaired by Lieutenant Governor Boyd K. Rutherford, recommended development of a mental health-criminal justice center of excellence. The report notes that centers of excellence centralize criminal justice/mental health resources, events, and initiatives to disseminate information, track diversion activity, publish outcome metrics, aid in planning, and provide resources, technical assistance, and training. These centers also coordinate statewide SIM mapping workshops to summarize results and priorities that inform cross-agency planning and program development. Examples of centers of excellence exist in Florida, Illinois, Ohio, and Virginia.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 857 (Senators Hester and Smith) - Finance.

**Information Source(s):** Maryland Association of County Health Officers; Montgomery and Prince George's counties; City of Bowie; Governor's Office of Crime Prevention, Youth, and Victim Services; University System of Maryland; Morgan State University; Maryland Department of Health; Department of Human Services; Department of Legislative Services

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