

HB0406/183922/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 406
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “by local departments of social services”; strike beginning with “Department” in line 9 down through the semicolon in line 10 and substitute “Maryland Department of Health or the Department of Human Services to provide beds and ensure placement for certain children and be subject to certain remedies for failure to provide beds; requiring a certain facility to ensure that a child is placed in a certain environment; providing that a certain facility may not be liable for certain federal violations under certain circumstances; requiring the Governor to appoint a certain individual to coordinate the carrying out of certain provisions of this Act.”; and strike beginning with “prohibiting” in line 11 down through the semicolon in line 13.

On page 2, strike in their entirety lines 3 through 12, inclusive.

AMENDMENT NO. 2

On pages 4 and 5, strike beginning with “**(1)**” in line 14 on page 4 down through “**(C)**” in line 10 on page 5.

On page 5, in line 10, after “**IF**” insert “**THE MARYLAND DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN SERVICES ACTING THROUGH**”; in line 11, strike “**LOCAL**” and substitute “**REQUESTING**”; in lines 16 and 25, in each instance, strike “**A LOCAL**” and substitute “**THE REQUESTING**”; in line 20, strike “**(D)**” and substitute “**(C)**”; and in the same line, strike “**A**” and substitute “**THE MARYLAND DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN SERVICES ACTING THROUGH A**”.

On page 6, after line 4, insert:

“(D) (1) (I) THE MARYLAND DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN SERVICES SHALL:

1. PROVIDE THE BEDS NECESSARY TO ACCOMMODATE THE NUMBER OF CHILDREN REQUIRING MEDICAL ADMISSION OR TREATMENT UNDER THIS SECTION; AND

2. ENSURE THE LEAST RESTRICTIVE PLACEMENT FOR ANY CHILD FOR WHOM THERE IS NOT A MEDICAL DETERMINATION THAT THE CHILD REQUIRES HOSPITALIZATION, ADMISSION, OR TREATMENT.

(II) THE MARYLAND DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN SERVICES MAY BE SUBJECT TO ANY ADMINISTRATIVE OR LEGAL PROCEDURES AVAILABLE TO AN AGGRIEVED PARTY FOR FAILURE TO PROVIDE A CHILD ADMISSION OR TREATMENT REQUIRED UNDER THIS SECTION.

(2) THE MARYLAND DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN SERVICES SHALL PAY A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY PREVAILING MEDICAID RATES FOR ANY ADMISSION OF A CHILD REQUESTED UNDER THIS SECTION THAT CONTINUES AFTER A MEDICAL DETERMINATION THAT THE CHILD NO LONGER REQUIRES HOSPITALIZATION.

(E) (1) A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY THAT ADMITS A CHILD UNDER SUBSECTION (B) OF THIS SECTION SHALL ENSURE THAT THE CHILD IS PLACED IN THE LEAST RESTRICTIVE ENVIRONMENT AVAILABLE.

(2) IF A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY IS REQUIRED TO EXTEND THE ADMISSION OF A CHILD DUE TO THE INABILITY OF THE REQUESTING DEPARTMENT TO FIND ANOTHER SUITABLE PLACEMENT FOR THE CHILD, THE HOSPITAL, EMERGENCY FACILITY, OR INPATIENT FACILITY MAY NOT BE HELD LIABLE FOR VIOLATING THE REQUIREMENTS OF THE FEDERAL EMERGENCY MEDICAL TREATMENT AND LABOR ACT.”;

in line 5, strike “(E)” and substitute “(F)”; and in line 11, strike “(F)” and substitute:

“(G) (1) THE GOVERNOR SHALL APPOINT AN INDIVIDUAL TO COORDINATE BETWEEN THE MARYLAND DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, LOCAL DEPARTMENTS, AND COURTS AS THEY CARRY OUT THE REQUIREMENTS OF THIS SECTION.

(2) THE INDIVIDUAL APPOINTED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE OFFICE OF THE PUBLIC DEFENDER’S MENTAL HEALTH DIVISION OF THE PLACEMENT OF EACH CHILD IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES IN A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY FOR WHOM THERE IS NOT A MEDICAL DETERMINATION THAT THE CHILD REQUIRES HOSPITALIZATION, ADMISSION, OR TREATMENT.

(H)”;

strike beginning with “REVENUE” in line 24 down through “(II)” in line 26; in line 28, strike “(III)” and substitute “(II)”; and in line 29, strike “(IV)” and substitute “(III)”.

On pages 7 and 8, strike in their entirety the lines beginning with line 10 on page 7 through line 13 on page 8, inclusive.

(Over)

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On page 9, in lines 7 and 8, strike beginning with “attorney” in line 7 down through “litigation” in line 8 and substitute “social worker with knowledge and experience in extended hospital overstays for foster children”; in line 13, strike “and”; after line 14, insert:

“(vi) one labor union representative who is an employee of the Department of Human Services, the Maryland Department of Health, or a local department of social services; and”;

in line 20, strike “and”; and in line 21, after “Association” insert “;

(vii) one representative of the Maryland Psychological Association; and

(viii) one representative of the Citizens Review Board for Children”.

On page 10, in line 9, strike “and”; and in line 10, after “(4)” insert “collect and review census data on foster children and their placement in hospitals, emergency facilities, and inpatient facilities in other states; and

(5)”.