

HOUSE BILL 766

O4, F5, O1

2lr2519
CF SB 656

By: **Delegate Kaiser**

Introduced and read first time: February 3, 2022

Assigned to: Ways and Means

A BILL ENTITLED

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)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 7.5–101(a), (g), and (k)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 10–1202
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2021 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–406.

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

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

5 (2) Includes the following services:

6 (i) Behavioral aide in home;

7 (ii) Education tutoring;

8 (iii) Family therapy;

9 (iv) Medication management;

10 (v) Respite care;

11 (vi) Vocational mentoring; and

12 (vii) Environmental accessibility adaptations.

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

16 (2) A child with a disability who needs special education and related
17 services is eligible for an appropriate nonpublic educational placement under this section
18 if a State or local agency provides documentation that the child cannot attend a public
19 school in the local school system:

20 (i) Because of the child’s home circumstances; or

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

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

26 (2) Subject to availability of funding in the State budget, for a child who
27 qualifies for a nonpublic educational program under subsection (b)(2) of this section and
28 who requires wraparound services in order to receive special education and related services
29 in the least restrictive environment, the cost of providing the services shall be paid by the
30 State and the county in which the child is domiciled in accordance with § 8–415(d) of this

1 subtitle, if a State or local agency documents that the child's parent or legal guardian is
2 unable to provide the wraparound services.

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

- 6 (i) The nonpublic program;
- 7 (ii) The placement of the child in the program;
- 8 (iii) The cost of the program; and
- 9 (iv) The amount of payment or reimbursement.

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

- 12 (i) The child is eligible for funding for out-of-state placement of
13 children under departmental regulations; or
- 14 (ii) Alternative federal, State, or local funding is available.

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

- 16 (i) The local school system approves the placement of the child in
17 the program; and
- 18 (ii) The local school system makes the payment or reimbursement
19 from local funds.

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

22 (e) A nonpublic placement recommended by a local school system for approval
23 under subsection (d)(1) of this section shall be approved or disapproved pursuant to the
24 regulations of the State Board. However, the Department may not disapprove a nonpublic
25 placement recommended by a local school system for a child unless the Department
26 provides an appropriate alternative placement in conformity with the regulations of the
27 State Board and applicable federal laws and regulations. The Department may not
28 terminate funding for the last approved nonpublic placement of a child during the pendency
29 of an administrative or judicial review of a recommended placement change.

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

Article – Health – General

1

2 7.5–101.

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

4 (g) “Core service agency” means the designated county or multicounty authority
5 that is responsible for planning, managing, and monitoring publicly funded mental health
6 services.7 (k) “Local behavioral health authority” means the designated county or
8 multicounty authority that is responsible for planning, managing, and monitoring publicly
9 funded mental health, substance–related disorder, and addictive disorder services.

10 10–1202.

11 (a) A core service agency, local addictions authority, or local behavioral health
12 authority shall:13 (1) Be an agent of a county or Baltimore City government which may
14 include a local health department;15 (2) Unless an exception is requested by an individual county and is granted
16 by the Secretary, serve a county or counties with an estimated population of over 80,000
17 people;

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

19 (4) Annually submit a program plan to the secretaries of the affected State
20 departments for review and to the Director for approval; and21 (5) Meet the standards required under this subtitle and, as needed, the
22 rules and regulations set by the Secretary.23 (b) A core service agency, local addictions authority, or local behavioral health
24 authority may not be a for–profit entity.25 (c) Each core service agency, local addictions authority, or local behavioral health
26 authority shall function under the Secretary’s authority.27 (d) Once established in a jurisdiction, the core service agency, local addictions
28 authority, or local behavioral health authority shall:29 (1) Submit, on an annual basis, a program plan to the Director for
30 approval;

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

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

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

15 (i) Case management;

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

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

20 1. Relevant financial statements; and

21 2. Program evaluation reports which articulate the core
22 service agency's, local addictions authority's, or local behavioral health authority's ability
23 to identify the outcomes of services provided for the target populations and the effects of
24 those services on program planning for the target population;

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

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

28 (ii) A local health department;

29 (iii) A quasi-public authority; or

30 (iv) A private, nonprofit corporation;

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

1 (7) **SUBJECT TO THE AVAILABILITY OF FUNDING IN THE STATE**
2 **BUDGET, BE AUTHORIZED TO APPROVE FUNDING FOR A YOUTH’S EDUCATIONAL**
3 **COSTS INCURRED DURING A RESIDENTIAL TREATMENT CENTER ADMISSION MADE**
4 **FOR MEDICAL OR PSYCHIATRIC PURPOSES IN ACCORDANCE WITH ITEM (6) OF THIS**
5 **SUBSECTION IF THE EDUCATIONAL COSTS ARE NOT COVERED UNDER § 8–406 OF**
6 **THE EDUCATION ARTICLE; AND**

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

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

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2022.