

**Department of Legislative Services**  
 Maryland General Assembly  
 2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 781 (Senator Hester)  
 Finance and Budget and Taxation

**Public Safety and Behavioral Health Improvement Act**

This bill (1) requires the Maryland Department of Health (MDH) to adopt regulations that establish criteria for certifying peer support specialists as nonclinical health care providers; (2) establishes the Behavioral Health Screening Grant Program in MDH; (3) modifies provisions governing the Maryland 9-1-1 Board to include specified training for public safety answering point (PSAP) personnel; (4) modifies provisions relating to the Executive Director of the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS); (5) establishes new requirements for reports issued by GOCPYVS; and (6) requires GOCPYVS to create a scorecard of quantifiable safety indicators and other specified data for inclusion in its annual report. In addition, the bill requires the Governor to include in the annual budget bill the following appropriations: (1) for fiscal 2024 and each fiscal year thereafter, \$500,000 for the Maryland Behavioral Health and Public Safety Center of Excellence within GOCPYVS to enter into contracts for the purposes of carrying out its mission, as specified; (2) for fiscal 2024, \$500,000 for the Maryland 9-1-1 Board to provide grants to local jurisdictions to expand specified PSAP personnel training; and (3) for fiscal 2024, \$500,000 for the Behavioral Health Screening Grant Program in MDH.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$159,300 in FY 2023; future year expenditures reflect the bill’s mandated appropriations and ongoing costs. Federal fund and higher education revenues may increase, as discussed below; otherwise, revenues are not affected. **This bill establishes mandated appropriations beginning in FY 2024.**

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
FF Revenue	-	-	-	-	-
Higher Ed Rev.	\$0	-	-	-	-
GF Expenditure	\$159,300	\$1,664,700	\$669,300	\$673,800	\$678,400
Net Effect	(\$159,300)	(\$1,664,700)	(\$669,300)	(\$673,800)	(\$678,400)

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

**Local Effect:** Local revenues and expenditures increase for those jurisdictions that receive

grant awards, as discussed below. Local governments also benefit from the ongoing mandated funding for the Maryland Behavioral Health and Public Safety Center of Excellence beginning in FY 2024.

**Small Business Effect:** Minimal.

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## Analysis

### Bill Summary:

#### *Peer Support Services*

By January 1, 2023, MDH must adopt regulations that establish criteria for certifying peer support specialists as nonclinical health care providers. The criteria must require an individual to (1) have been in recovery for a mental or behavioral health disorder for at least two years or (2) have at least two years of experience as a family member of or caregiver for an individual with a mental or behavioral health disorder.

#### *Behavioral Health Screening Grant Program*

The purpose of the Behavioral Health Screening Grant Program is to provide funds to local jurisdictions to establish and expand behavioral health screening pilot programs. MDH, in coordination with the Maryland Behavioral Health and Public Safety Center of Excellence, must administer the program.

The program must award competitive grants to entities to establish and expand behavioral health screening pilot programs and services, as specified. For each service or program that receives funding under the grant program, the entity must report to MDH and make available to the public all required outcome measurement data and all public feedback received from the community through a combination of surveys, public comments, town hall meetings, and other methods.

MDH must establish (1) application procedures; (2) a statewide system of outcome measurement to assess the effectiveness and adequacy of services and programs and produce specified data; and (3) any other necessary procedures, guidelines, or criteria necessary to carry out the program.

By December 1 each year, beginning in 2023, MDH must submit to the Governor and the General Assembly a report that includes (1) the number of grants distributed; (2) funds distributed by county; (3) information about grant recipients and programs and services provided; and (4) any available outcome data.

For fiscal 2024, the Governor must include in the annual budget bill an appropriation of \$500,000 for the program. In addition to the mandated funding, MDH must pursue additional funds to provide grants under the program from the federal Substance Abuse and Mental Health Services Administration (SAMHSA).

#### *Maryland 9-1-1 Board*

The bill expands the duties of the Maryland 9-1-1 Board to include training on behavioral health conditions, crisis intervention, and the diversion of individuals with behavioral health conditions away from law enforcement response to more appropriate resources.

For fiscal 2024, the Governor must include in the annual budget bill an appropriation of \$500,000 for the board to provide grants to local jurisdictions to expand such training. The board must establish a process by which a PSAP may apply for such a grant.

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

The bill requires the Governor to appoint the Executive Director of GOCPYVS with the advice and consent of the Senate. The Executive Director of GOCPYVS must serve at the pleasure of the Governor. The Executive Director who is serving on the bill's effective date (October 1, 2022) may continue to serve until two years after the bill's effective date and may be reappointed after the expiration of the term.

GOCPYVS must ensure that all reports issued by the office related to grant programs include a summary of all collected performance measure data and information necessary to provide transparency in the results of competitive grant awards. In addition, GOCPYVS must create, for inclusion in its annual report, a scorecard of quantifiable safety indicators. GOCPYVS must determine appropriate indicators for the scorecard in coordination with the Department of State Police (DSP), the Department of Public Safety and Correctional Services (DPSCS), the Office of the Attorney General (OAG), the Maryland Department of Labor (MDL), the Maryland State Department of Education (MSDE), MDH, and the Department of Human Services (DHS). In addition to the appropriate indicators, the scorecard must include (1) crime statistics for violent crime and property crime as reported in the Uniform Crime Report or the National Incident-based Reporting System, as specified, and the crime clearance rates for those crimes; (2) the portion of committed crimes not reported to law enforcement as estimated based on the National Crime Victimization Survey or other sources; (3) indicators of safety and fairness in the criminal justice system in the State, as specified; and (4) indicators of the underlying factors and conditions affecting progress toward a safer State, as specified.

#### **Current Law:**

### *Maryland Behavioral Health Crisis Response System*

The Behavioral Health Crisis Response System must (1) operate a statewide network utilizing existing resources and coordinating interjurisdictional services to develop efficient and effective crisis response systems to serve all individuals in the State, 24 hours a day and 7 days a week; (2) provide skilled clinical intervention to help prevent suicides, homicides, unnecessary hospitalizations, and arrests or detention, and to reduce dangerous or threatening situations involving individuals in need of behavioral health services; and (3) respond quickly and effectively to community crisis situations.

### *Behavioral Health Crisis Response Grant Program*

Chapter 209 of 2018 established a Behavioral Health Crisis Response Grant Program in MDH to provide funds to local jurisdictions to establish and expand community behavioral health crisis response systems. The Governor was required to include the following appropriations in the State operating budget for the program: (1) \$3.0 million in fiscal 2020; (2) \$4.0 million in fiscal 2021; and (3) \$5.0 million in fiscal 2022. Chapters 755 and 756 of 2021 expand the grant program, extend the term of the \$5.0 million mandated appropriation through fiscal 2025, and beginning in fiscal 2023, require at least one-third of the mandated appropriation be used to award competitive grants for mobile crisis teams.

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

Chapter 69 of 2021 established the Maryland Behavioral Health and Public Safety Center of Excellence within GOCPYVS. Among other things, the purposes of the center include (1) acting as the statewide information repository for behavioral health treatment and diversion programs related to the criminal justice system and (2) providing technical assistance to local governments for developing effective behavioral health systems. The center's activities include strategic planning, technical assistance, State and local government coordination, and facilitation of train-the-trainer courses for the "Sequential Intercept Model" (SIM). 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 center is authorized to enter into contracts with the University System of Maryland (USM), Maryland historically black colleges and universities (HBCUs), or other entities or organizations for the purposes of carrying out its mission.

"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's 9-1-1 System and the Maryland 9-1-1 Board*

The State's 9-1-1 system operates primarily through PSAPs, which are generally owned and operated by counties (including Baltimore City). 9-1-1 specialists working within PSAPs answer, redirect, and take action on 9-1-1 calls received based on the location of the originating 9-1-1 call. State and local governments are preparing for "next generation" 9-1-1 technology that will allow PSAPs to access not only more accurate information about caller location but also other information that will assist emergency personnel in communicating with callers and responding more efficiently. Legislation has been enacted in recent years to, among other things:

- transfer the Maryland 9-1-1 Board that is responsible for administering the 9-1-1 Trust Fund and overseeing the State's 9-1-1 system from DPSCS to the Maryland Department of Emergency Management (MDEM);
- expand the uses of the 9-1-1 Trust Fund to include providing funding for 9-1-1 specialist training activities; and
- increase funding for the State's 9-1-1 system.

The Maryland 9-1-1 Board's other responsibilities include (1) disbursing funds to counties from the 9-1-1 Trust Fund for authorized costs; (2) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems; (3) ensuring the inspection of PSAPs; (4) auditing counties to ensure that 9-1-1 trust funds are being used for authorized purposes; (5) establishing training standards for PSAP personnel based on national best practices and related to Next Generation 9-1-1; and (6) consulting with the Maryland Cybersecurity Council to establish cybersecurity standards for PSAPs.

### *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. Appointment of the Executive Director of GOCPYVS is not specified in statute.

**State Revenues:** The bill requires MDH to pursue funds from SAMHSA to provide grants under the Behavioral Health Screening Grant Program. To the extent MDH is successful in this effort, federal fund revenues increase beginning as early as fiscal 2023.

Further, USM and HBCUs may benefit from the ongoing mandated funding for the center in GOCPYVS as, pursuant to current law, the center is authorized to enter into contracts with them for the purposes of carrying out its mission. Accordingly, higher education revenues for USM and Morgan State University may increase beginning in fiscal 2024 when the additional mandated funding becomes available.

**State Expenditures:** General fund expenditures increase by \$159,268 in fiscal 2023, by \$1.7 million in fiscal 2024, and by more than \$669,000 annually beginning in fiscal 2025, as discussed below.

*Mandated Funding*

General fund expenditures increase as follows due to the bill’s mandated appropriations:

- in fiscal 2024, by \$1.5 million, reflecting mandated appropriations of \$500,000 each for (1) the Maryland 9-1-1 Board within MDEM to provide grants to local jurisdictions to expand specified training; (2) the Behavioral Health Screening Grant Program within MDH; and (3) the Maryland Behavioral Health and Public Safety Center for Excellence within GOCPYVS to enter into contracts for the purposes of carrying out its mission; and
- in fiscal 2025 and annually thereafter, by \$500,000 annually, reflecting the ongoing mandated appropriation for the Maryland Behavioral Health and Public Safety Center for Excellence.

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

General fund administrative expenditures for GOCPYVS increase by \$88,199 in fiscal 2023, which accounts for the bill’s October 1, 2022 effective date. This estimate reflects the cost of hiring one data analyst to collect the necessary information for the required scorecard. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. It also includes one-time consultant fees to build the scorecard and hosting fees for the scorecard

Position	1.0
Salary and Fringe Benefits	\$60,376
Consultant and Hosting Fees	20,480
Other Operating Expenses	<u>7,343</u>
<b>Total FY 2023 GOCPYVS Administrative Expenditures</b>	<b>\$88,199</b>

Future year administrative expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including ongoing hosting fees for the scoreboard.

GOCPYVS also advises it needs an additional full-time position to manage the mandated funding relating to the Maryland Behavioral Health and Public Safety Center of Excellence and to enter into contracts for the purposes of carrying out the mission of the center. However, the Department of Legislative Services (DLS) disagrees; the funding provided by the bill is intended for the center to carry out its current mission. The bill does not create additional duties for the center.

Altering the manner in which the executive director is appointed does not affect State finances.

*Maryland Department of Health*

General fund expenditures for MDH increase by \$71,069 in fiscal 2023, which accounts for the bill’s October 1, 2022 effective date. MDH advises that one regular full-time position is needed to (1) establish the criteria for certifying peer support specialists as nonclinical health care providers and (2) manage the Behavioral Health Screening Grant program and annual report. DLS concurs. Although the bill’s mandated appropriation does not occur until fiscal 2024, staffing is necessary in fiscal 2023 to establish and develop required policies and procedures and to initiate the grant-making process prior to grant funding being available. Further, this analysis assumes MDH is successful in obtaining ongoing federal funding for grants from SAMHSA. Accordingly, this estimate reflects the cost of hiring one administrator to establish the required criteria and manage the ongoing grant program. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$63,726
Operating Expenses	<u>7,343</u>
<b>Total FY 2023 MDH Expenditures</b>	<b>\$71,069</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

To the extent federal funding is not secured for the grant program, additional general funds may be needed in future years. Any such impact has not been accounted for in this analysis.

## *Other Agencies*

The Maryland 9-1-1 Board can handle the bill's requirements with existing budgeted resources. It is also assumed that DSP, DPSCS, OAG, MDL, MSDE, MDH, and DHS can coordinate with GOCPYVS regarding appropriate indicators for the scorecard with existing resources; however, without actual experience under the bill, it is not possible to quantify any increase in workload associated with this effort.

**Local Fiscal Effect:** Local grant revenues and expenditures increase in fiscal 2024 to the extent that local jurisdictions apply for and are awarded grant funds from the Maryland 9-1-1 Board (to expand PSAP training) and/or the Behavioral Health Screening Grant Program (to establish and expand behavioral health screening pilot programs and services). Local grant revenues and expenditures may also increase in future years to the extent ongoing funding is secured for the Behavioral Health Screening Grant Program.

Although local governments are eligible for grants from the Maryland 9-1-1 Board to expand training for PSAP personnel, they could incur costs to send the personnel to such training (such as travel and/or overtime costs).

Local governments also benefit from the ongoing mandated funding for the Maryland Behavioral Health and Public Safety Center of Excellence beginning in fiscal 2024. Among other things, one of the purposes of the center is to provide technical assistance to local governments for developing effective behavioral health systems.

**Additional Comments:** Many of the requirements for GOCPYVS under the bill were recommended by the DLS Office of Program Evaluation and Government Accountability (OPEGA). For more information, see the [scoping evaluation](#) of GOCPYVS published by OPEGA in January 2022.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 1018 (Delegate Carey) - Appropriations and Health and Government Operations.

**Information Source(s):** Maryland Association of County Health Officers; Baltimore, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; Maryland Department of Emergency Management; Governor's Office of Crime Prevention, Youth, and Victim Services; Maryland State Department of Education; University System of Maryland; Morgan State University; Department of Budget and

Management; Maryland Department of Health; Maryland Department of Labor;  
Department of Public Safety and Correctional Services; Department of State Police;  
Department of Legislative Services

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