

HOUSE BILL 1249

J1, J3

3lr3036
CF SB 362

By: ~~Delegates Hornberger and D. Jones~~, D. Jones, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: February 16, 2023

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 25, 2023

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2023

CHAPTER _____

1 AN ACT concerning

2 **Certified Community Behavioral Health Clinics – ~~Established~~ Planning Grant**
3 **Funds and Demonstration Application**

4 FOR the purpose of requiring, ~~on or before a certain date,~~ the Maryland Department of
5 Health to apply for certain federal planning grant funds; requiring the Department
6 to apply to participate in a certain demonstration program; and generally relating to
7 certified community behavioral health clinics. ~~submit a State plan amendment to the~~
8 ~~Centers for Medicare and Medicaid Services to establish certified community~~
9 ~~behavioral health clinics; requiring, if the Centers for Medicare and Medicaid~~
10 ~~Services approves the amendment, the Department to amend the State plan to cover~~
11 ~~certain services; requiring the Department to establish certain payment systems for~~
12 ~~certified community behavioral health clinics; and generally relating to certified~~
13 ~~community behavioral health clinics.~~

14 ~~BY adding to~~
15 ~~Article Health General~~
16 ~~Section 15-141.5~~
17 ~~Annotated Code of Maryland~~
18 ~~(2019 Replacement Volume and 2022 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.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 ~~That the Laws of Maryland read as follows:~~ That the Maryland Department of Health shall
 3 apply to the Substance Abuse and Mental Health Services Administration at the Center for
 4 Mental Health Services for federal planning, development, and implementation grant
 5 funds related to certified community behavioral health clinics for fiscal year 2025.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of
 7 Health shall apply to the Substance Abuse and Mental Health Services Administration at
 8 the Center for Mental Health Services for inclusion in the state certified community
 9 behavioral health clinic demonstration program for fiscal year 2026.

10 ~~Article Health General~~

11 ~~15-141.5.~~

12 ~~(A) IN THIS SECTION, "CERTIFIED COMMUNITY BEHAVIORAL HEALTH~~
 13 ~~CLINIC" MEANS A NONPROFIT COMPREHENSIVE COMMUNITY MENTAL HEALTH OR~~
 14 ~~SUBSTANCE USE TREATMENT ORGANIZATION LICENSED BY THE STATE THAT MEETS~~
 15 ~~THE FEDERAL CERTIFICATION CRITERIA OF § 223 OF THE FEDERAL PROTECTING~~
 16 ~~ACCESS TO MEDICARE ACT OF 2014 AND OFFERS, DIRECTLY OR INDIRECTLY~~
 17 ~~THROUGH FORMAL REFERRAL RELATIONSHIPS WITH OTHER PROVIDERS, THE~~
 18 ~~FOLLOWING SERVICES:~~

- 19 ~~(1) OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES;~~
- 20 ~~(2) 24-HOUR MOBILE CRISIS RESPONSE AND HOTLINE SERVICES;~~
- 21 ~~(3) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK~~
 22 ~~ASSESSMENTS;~~
- 23 ~~(4) PERSON-CENTERED TREATMENT PLANNING;~~
- 24 ~~(5) PRIMARY CARE SCREENING AND MONITORING OF KEY~~
 25 ~~INDICATORS OF HEALTH RISKS;~~
- 26 ~~(6) TARGETED CASE MANAGEMENT;~~
- 27 ~~(7) PSYCHIATRIC REHABILITATION SERVICES;~~
- 28 ~~(8) PEER SUPPORT AND FAMILY SUPPORTS;~~
- 29 ~~(9) MEDICATION ASSISTED TREATMENT;~~
- 30 ~~(10) ASSERTIVE COMMUNITY TREATMENT; AND~~

1 ~~(11) COMMUNITY-BASED MENTAL HEALTH CARE FOR MILITARY~~
2 ~~SERVICE MEMBERS AND VETERANS.~~

3 ~~(B) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL SUBMIT~~
4 ~~A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID~~
5 ~~SERVICES TO ESTABLISH CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN~~
6 ~~ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE~~
7 ~~ACT OF 2014.~~

8 ~~(C) IF THE AMENDMENT SUBMITTED UNDER SUBSECTION (B) OF THIS~~
9 ~~SECTION IS APPROVED, THE DEPARTMENT SHALL AMEND THE STATE PLAN IN~~
10 ~~ACCORDANCE WITH TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY ACT AS~~
11 ~~NECESSARY TO COVER:~~

12 ~~(1) ALL REQUIRED SERVICES FOR INDIVIDUALS WITH MENTAL~~
13 ~~HEALTH NEEDS OR SUBSTANCE USE DISORDERS AT CERTIFIED COMMUNITY~~
14 ~~BEHAVIORAL HEALTH CLINICS THROUGH A DAILY BUNDLED PAYMENT~~
15 ~~METHODOLOGY THAT IS IN ALIGNMENT WITH FEDERAL PAYMENT FROM THE~~
16 ~~CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE CERTIFIED~~
17 ~~COMMUNITY BEHAVIORAL HEALTH CLINICS MEDICAID DEMONSTRATION UNDER §~~
18 ~~223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE ACT OF 2014; AND~~

19 ~~(2) ANY ADDITIONAL SERVICES IDENTIFIED BY THE DEPARTMENT.~~

20 ~~(D) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS AND~~
21 ~~METHODOLOGIES FOR A PROSPECTIVE PAYMENT SYSTEM TO REIMBURSE A~~
22 ~~CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC UNDER THE PROGRAM ON A~~
23 ~~PREDETERMINED FIXED AMOUNT PER DAY FOR COVERED SERVICES PROVIDED TO A~~
24 ~~PROGRAM RECIPIENT.~~

25 ~~(2) THE PROSPECTIVE PAYMENT RATE FOR A CERTIFIED COMMUNITY~~
26 ~~BEHAVIORAL HEALTH CLINIC SHALL:~~

27 ~~(I) BE ADJUSTED ONCE EVERY 3 YEARS BY THE MEDICARE~~
28 ~~ECONOMIC INDEX IN ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING~~
29 ~~ACCESS TO MEDICARE ACT OF 2014; AND~~

30 ~~(H) ALLOW FOR MODIFICATIONS BASED ON A CHANGE IN SCOPE~~
31 ~~FOR AN INDIVIDUAL CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.~~

32 ~~(3) THE DEPARTMENT MAY CONSIDER RATE ADJUSTMENTS ON~~
33 ~~REQUEST BY A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.~~

1 ~~(E) (1) THE DEPARTMENT SHALL ESTABLISH A QUALITY INCENTIVE~~
 2 ~~PAYMENT SYSTEM FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC~~
 3 ~~THAT ACHIEVES SPECIFIED THRESHOLDS ON PERFORMANCE METRICS~~
 4 ~~ESTABLISHED BY THE DEPARTMENT.~~

5 ~~(2) THE QUALITY INCENTIVE PAYMENT SYSTEM ESTABLISHED UNDER~~
 6 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE PROSPECTIVE~~
 7 ~~PAYMENT RATE ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION.~~

8 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 9 July 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.