

# SENATE BILL 384

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By: **Senator Nathan–Pulliam**

Introduced and read first time: February 6, 2015

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Community–Based Services Fund – Residential Rehabilitation**  
3 **Programs**

4 FOR the purpose of requiring that certain funds in the Mental Hygiene Community–Based  
5 Services Fund that are used to increase the availability of certain housing and  
6 employment opportunities for certain individuals include services provided in  
7 residential rehabilitation programs developed by community health providers; and  
8 generally relating to the Mental Hygiene Community–Based Services Fund and  
9 services provided in residential rehabilitation programs.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 10–208  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2014 Supplement)

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

17 **Article – Health – General**

18 10–208.

19 (a) (1) There is a continuing, nonlapsing Mental Hygiene Community–Based  
20 Services Fund.

21 (2) The purpose of the Mental Hygiene Community–Based Services Fund  
22 is to ensure that funds realized from the sale or lease of Behavioral Health Administration  
23 facilities as the result of downsizing, consolidation, or closure are used to provide  
24 community–based services.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Notwithstanding any other provision of law, if any Mental Hygiene  
2 Administration facility is downsized, consolidated, or closed, all State property associated  
3 with the facility that is not transferred to another governmental entity shall be sold or  
4 leased at fair market value, and the net proceeds of the sale or lease shall be deposited into  
5 the Mental Hygiene Community–Based Services Fund.

6 (c) (1) If a facility operated by the Behavioral Health Administration is  
7 downsized, consolidated, or closed such that the net resident population declines or if a  
8 facility is closed or consolidated and bed capacity levels remained unchanged:

9 (i) State general funds may be appropriated as necessary, in  
10 advance, to assist in the downsizing;

11 (ii) Any funds in the Mental Hygiene Community–Based Services  
12 Fund:

13 1. May not supplant resources for existing community  
14 services; and

15 2. Shall be used to meet the needs of individuals leaving  
16 facilities to enter community–based services; and

17 (iii) Any funds remaining after meeting the needs of individuals  
18 identified in subparagraph (ii)2 of this paragraph shall be used to increase the availability  
19 of:

20 1. Affordable housing and employment opportunities for  
21 individuals with mental illness, **INCLUDING SERVICES PROVIDED IN RESIDENTIAL**  
22 **REHABILITATION PROGRAMS DEVELOPED BY COMMUNITY MENTAL HEALTH**  
23 **PROVIDERS**; and

24 2. Community mental health services designed to promote  
25 recovery and community integration, including development of the Maryland Mental  
26 Health Crisis Response System established under Subtitle 14 of this title.

27 (2) Funds in the Mental Hygiene Community–Based Services Fund shall  
28 be spent in accordance with a plan developed by the Behavioral Health Administration in  
29 consultation with consumers, family members, providers, and mental health advocates.

30 (d) On or before January 1 of each year, the Secretary shall prepare a report to  
31 be submitted to the General Assembly and the Department of Legislative Services on the  
32 Mental Hygiene Community–Based Services Fund.

33 (e) Any unspent portions of the Mental Hygiene Community–Based Services  
34 Fund and any interest earned on money in the Waiting List Equity Fund may not be  
35 transferred or revert to the General Fund of the State but shall remain in the Mental

1 Hygiene Community-Based Services Fund to be used for the purposes specified in this  
2 section.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2015.