

SENATE BILL 362

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CF HB 1249

By: **Senators Guzzone, Augustine, and Mautz**

Introduced and read first time: January 30, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 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)~~

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

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.



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

~~Article Health General~~

~~15-141.5.~~

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

- ~~(1) OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES;~~
- ~~(2) 24-HOUR MOBILE CRISIS RESPONSE AND HOTLINE SERVICES;~~
- ~~(3) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK ASSESSMENTS;~~
- ~~(4) PERSON-CENTERED TREATMENT PLANNING;~~
- ~~(5) PRIMARY CARE SCREENING AND MONITORING OF KEY INDICATORS OF HEALTH RISKS;~~
- ~~(6) TARGETED CASE MANAGEMENT;~~
- ~~(7) PSYCHIATRIC REHABILITATION SERVICES;~~
- ~~(8) PEER SUPPORT AND FAMILY SUPPORTS;~~
- ~~(9) MEDICATION-ASSISTED TREATMENT;~~
- ~~(10) ASSERTIVE COMMUNITY TREATMENT; AND~~
- ~~(11) COMMUNITY-BASED MENTAL HEALTH CARE FOR MILITARY SERVICE MEMBERS AND VETERANS.~~

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.