

HOUSE BILL 281

J1

71r1201

By: **Delegates Hubbard and Rosenberg**
Introduced and read first time: January 31, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Incarcerated Individuals with Mental Illness**

3 FOR the purpose of requiring the Mental Hygiene Administration to reimburse certain
4 mental health providers for certain services; requiring the Department of Public
5 Safety and Correctional Services to provide certain access to a certain amount of
6 medication to certain individuals under certain circumstances; requiring the
7 Governor to provide a certain appropriation in a certain fiscal year for hiring
8 and training certain individuals for certain purposes; requiring the Department
9 of Human Resources and the Department of Public Safety and Correctional
10 Services to submit a certain report to certain committees of the General
11 Assembly on or before a certain date; requiring the Mental Hygiene
12 Administration to develop an implementation plan to require each core
13 service agency in the State to develop a certain forensic alternative
14 services team; requiring the Mental Hygiene Administration to develop an
15 implementation plan requiring each core service agency in the State to enter
16 into memoranda of understanding with local detention centers to establish a
17 certain data sharing initiative; requiring the Mental Hygiene Administration to
18 submit certain reports to certain committees of the General Assembly and to a
19 certain workgroup on or before a certain date; requiring the Department of
20 Public Safety and Correctional Services, in collaboration with the Motor Vehicle
21 Administration, to develop a plan to provide departing inmates with a certain
22 identification card; requiring the Department of Public Safety and Correctional
23 Services to submit a certain report to certain committees of the General
24 Assembly on or before a certain date; and generally relating to mental health
25 treatment for incarcerated individuals.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Correctional Services
3 Section 9–612
4 Annotated Code of Maryland
5 (1999 Volume and 2006 Supplement)

6 BY adding to
7 Article – Health – General
8 Section 10–814 and 15–104.1
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2006 Supplement)

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

13 **Article – Correctional Services**

14 **9–612.**

15 (A) ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE
16 DEPARTMENT SHALL PROVIDE AN INMATE WITH A MENTAL ILLNESS WITH
17 ACCESS TO A 30–DAY SUPPLY OF MEDICATION FOR THE MENTAL ILLNESS.

18 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, PART OF THE
19 30–DAY SUPPLY OF MEDICATION PROVIDED UNDER SUBSECTION (A) OF THIS
20 SECTION MAY BE PROVIDED BY PRESCRIPTION.

21 (C) THE DEPARTMENT SHALL ENSURE THAT AN INMATE WITH A
22 MENTAL ILLNESS WHO RECEIVES MEDICATION UNDER SUBSECTION (A) OF THIS
23 SECTION RECEIVES AN ACTUAL SUPPLY OF THE MEDICATION ON RELEASE.

24 **Article – Health – General**

25 **10–814.**

26 THE ADMINISTRATION SHALL REIMBURSE CASE MANAGERS OR OTHER
27 APPROPRIATE COMMUNITY MENTAL HEALTH PROVIDERS FOR CONDUCTING
28 INITIAL ASSESSMENTS WITH PRISONERS WITH A SERIOUS MENTAL ILLNESS WHO
29 ARE WITHIN 3 MONTHS OF RELEASE.

30 **15–104.1.**

1 **(A) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR FISCAL**
2 **YEAR 2009 AT LEAST \$250,000 IN GENERAL FUND STATE SUPPORT FOR HIRING**
3 **AND TRAINING PROGRAM BENEFITS COORDINATORS WITHIN THE DEPARTMENT**
4 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR THE PRISON SYSTEM**
5 **AND CASEWORKERS WITHIN THE DEPARTMENT OF HUMAN RESOURCES TO**
6 **PROCESS APPLICATIONS FOR PROGRAM BENEFITS FOR INDIVIDUALS WITH A**
7 **SERIOUS MENTAL ILLNESS WHO ARE EXPECTED TO BE RELEASED WITHIN 3**
8 **MONTHS.**

9 **(B) ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT OF HUMAN**
10 **RESOURCES AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
11 **SERVICES SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
12 **GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE**
13 **HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE EFFECT**
14 **OF THE INCREASED STAFF PROVIDED UNDER SUBSECTION (A) OF THIS SECTION**
15 **ON:**

16 **(1) THE NUMBER OF APPLICATIONS FOR PROGRAM BENEFITS**
17 **COMPLETED PRIOR TO THE RELEASE OF INMATES WITH A SERIOUS MENTAL**
18 **ILLNESS AND RATES OF APPROVAL FOR THESE APPLICATIONS;**

19 **(2) CHANGES IN RECIDIVISM RATES FOR INMATES WITH A**
20 **SERIOUS MENTAL ILLNESS AS A RESULT OF IMPROVED ACCESS TO MEDICAL**
21 **ASSISTANCE BENEFITS; AND**

22 **(3) RECOMMENDATIONS TO EXPAND BENEFITS COORDINATION**
23 **SUPPORT FOR INMATES IN PRISONS AND JAILS.**

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

25 (a) The Mental Hygiene Administration shall develop an implementation
26 plan requiring each core service agency in the State to develop a forensic alternative
27 services team:

28 (1) that is staffed by mental health professionals to serve each district
29 court, jail, and booking facility in the jurisdiction of the core service agency;

30 (2) that is able to divert arrested individuals with a serious mental
31 illness or trauma-related disorder from incarceration by arranging needed community

1 services, including outpatient or inpatient services prior to bail review hearings or
2 within 30 days of incarceration; and

3 (3) that may advocate before the court for release to the community
4 with a plan agreed to by the defendant that may include ongoing treatment, housing,
5 and monitoring if the charges made against the individual are not dismissed.

6 (b) On or before January 1, 2008, the Mental Hygiene Administration shall
7 report, in accordance with § 2-1246 of the State Government Article, to the Senate
8 Finance Committee, the House Health and Government Operations Committee, and
9 the Transformation Grant workgroup on the implementation plan developed under
10 subsection (a) of this section.

11 SECTION 3. AND BE IT FURTHER ENACTED, That:

12 (a) The Mental Hygiene Administration shall develop an implementation
13 plan requiring each core service agency in the State to enter into memoranda of
14 understanding with local detention centers to establish a data sharing initiative that:

15 (1) promotes the continuity of treatment for individuals with a serious
16 mental illness who have received services in the public mental health system and who
17 become involved in the criminal justice system;

18 (2) requires the local detention center to electronically submit
19 information on each arrestee for each 24-hour period to the public mental health
20 system's administrative services organization;

21 (3) requires the administrative services organization to cross reference
22 the information received from the detention center in order to identify residents within
23 the jurisdiction who are public mental health system enrollees with a serious mental
24 illness and provide the names of the enrollees to the core service agency for the
25 jurisdiction; and

26 (4) requires a core service agency representative on receipt of the
27 names of the enrollees, to:

28 (i) interview the enrollee;

29 (ii) obtain written consent from the enrollee to release
30 treatment information to the detention center health care provider; and

1 (iii) make necessary linkages within the detention center and
2 the community service provider network to ensure that treatment information is
3 available to mental health staff in the detention center and to staff responsible for
4 discharge planning.

5 (b) On or before January 1, 2008, the Mental Hygiene Administration shall
6 report, in accordance with § 2-1246 of the State Government Article, to the Senate
7 Finance Committee, the House Health and Government Operations Committee, and
8 the Transformation Grant workgroup on the implementation plan developed under
9 subsection (a) of this section.

10 SECTION 4. AND BE IT FURTHER ENACTED, That:

11 (a) The Department of Public Safety and Correctional Services, in
12 collaboration with the Motor Vehicle Administration, shall develop a plan to provide
13 departing inmates with an identification card that includes the information required
14 under the federal REAL ID Act of 2005 and complies with the Motor Vehicle
15 Administration's requirements for the issuance of a State identification card.

16 (b) On or before January 1, 2008, the Department of Public Safety and
17 Correctional Services shall report, in accordance with § 2-1246 of the State
18 Government Article, to the Senate Finance Committee and the House Health and
19 Government Operations Committee on the implementation of the plan developed
20 under subsection (a) of this section.

21 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2007.