

CHAPTER 555

(Senate Bill 210)

AN ACT concerning

Maryland Veterans Behavioral Health

FOR the purpose of establishing behavioral health service coordination among the Department of Health and Mental Hygiene, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force for certain veterans of the Afghanistan or Iraq conflicts; requiring the provision of certain behavioral health services under certain circumstances in certain areas of the State to veterans of the Afghanistan or Iraq conflicts; requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds; creating the Veterans Behavioral Health Advisory Board; providing for the composition and chair of the Board; providing for the staffing of the Board; prohibiting members of the Board from receiving compensation but entitling members to reimbursement of certain expenses; establishing the duties of the Board; requiring the Board to submit certain reports to the Governor and the General Assembly on or before certain dates; requiring the Department of Health and Mental Hygiene, in consultation with the Board, to submit a certain application for certain funds on or before a certain date; requiring the Department to submit a copy of the application to the Maryland Congressional Delegation and certain committees of the General Assembly; providing for the termination of this Act; defining certain terms; and generally relating to the behavioral health needs of veterans and their families.

BY adding to

Article – Health – General

Section 13–2701 through 13–2703 to be under the new subtitle “Subtitle 27.
Behavioral Health Services for Maryland Veterans of the Afghanistan
and Iraq Conflicts”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Preamble

WHEREAS, Maryland has a long and proud history of commitment to military service, with over 460,000 veterans who have served the nation in the armed forces; and

WHEREAS, Maryland has over 10,000 veterans of the conflicts in Afghanistan and Iraq, with 5,000 more projected to return by the end of 2008; and

WHEREAS, It is among the highest priorities of the State to ensure that veterans returning from active service have the support, opportunities, and services necessary to facilitate their smooth transition from military to civilian life, and to ease that transition for their families; and

WHEREAS, Among the obstacles returning veterans often face are unmet physical and behavioral health needs arising out of their service; and

WHEREAS, The psychological trauma of the war on terror, the counterinsurgency, and the urban battlefield has put veterans returning from Afghanistan and Iraq at particular risk of Post-Traumatic Stress Syndrome and related conditions, which if untreated can lead to life-long struggles with depression, substance abuse, unemployment, homelessness, and suicide; and

WHEREAS, Estimates are that more than half of veterans of the Afghanistan and Iraq conflicts return from combat zones with behavioral health problems that could compromise their successful adjustment to civilian life; and

WHEREAS, Gaps in the availability of behavioral health services and impediments to veterans' ability to access those services, particularly in the State's rural areas, may leave serious health problems untreated and exacerbate the difficulties returning veterans and their families must face; and

WHEREAS, The State is committed to identifying the behavioral health needs and gaps in services that may exist for returning veterans, and to collaborating with the United States Department of Veterans Affairs, veterans' organizations, and others to address those needs and ensure that veterans and their families receive the services they require and deserve; now, therefore,

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

Article - Health - General

SUBTITLE 27. BEHAVIORAL HEALTH SERVICES FOR MARYLAND VETERANS OF THE AFGHANISTAN AND IRAQ CONFLICTS.

13-2701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADJUTANT GENERAL” MEANS THE HEAD OF THE MARYLAND MILITARY DEPARTMENT.

(C) “BEHAVIORAL HEALTH SERVICES” MEANS MENTAL HEALTH SERVICES OR ALCOHOL AND SUBSTANCE ABUSE SERVICES.

(D) “CRISIS SERVICES” MEANS TEMPORARY SERVICES DESIGNED TO ADDRESS AND STABILIZE A SEVERE BEHAVIORAL HEALTH PROBLEM AND TO AVOID AN EMERGENCY SITUATION, AND MAY INCLUDE HOTLINES, IN-HOME SUPPORT, AND RESIDENTIAL CRISIS SERVICES.

(E) “MARYLAND DEFENSE FORCE” MEANS THE MILITARY FORCE ESTABLISHED UNDER § 13-501 OF THE PUBLIC SAFETY ARTICLE.

(F) “MARYLAND NATIONAL GUARD” MEANS THE MARYLAND ARMY NATIONAL GUARD AND MARYLAND AIR NATIONAL GUARD.

(G) “SERVICE COORDINATION” MEANS A SERVICE DESIGNED TO COORDINATE AND PROVIDE ASSISTANCE IN OBTAINING ACCESS TO BEHAVIORAL HEALTH SERVICES.

(H) “SERVICE COORDINATOR” MEANS A PERSON EMPLOYED BY THE DEPARTMENT TO PROVIDE SERVICE COORDINATION TO VETERANS.

(I) “UNIFORMED SERVICES” HAS THE MEANING STATED IN 10 U.S.C. § 101.

~~(I)~~ (J) “VETERAN” MEANS A MARYLAND RESIDENT WHO:

(1) SERVED ON ACTIVE DUTY IN THE ~~ARMED FORCES~~ UNIFORMED SERVICES OF THE UNITED STATES, OTHER THAN FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE; AND

(2) (I) SERVED IN AFGHANISTAN OR CONTIGUOUS AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER OCTOBER 24, 2001, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED STATES SECRETARY OF DEFENSE; OR

(II) SERVED IN IRAQ OR CONTIGUOUS WATERS OR AIRSPACE, AS DEFINED IN FEDERAL REGULATIONS, ON OR AFTER MARCH 19, 2003, AND BEFORE A TERMINAL DATE TO BE PRESCRIBED BY THE UNITED STATES SECRETARY OF DEFENSE.

~~(J)~~ (K) **“WEB-BASED RESOURCE PROGRAM” MEANS AN INTERACTIVE WEB-BASED COMMUNICATION MEDIUM THAT:**

(1) ALLOWS INDIVIDUALS TO ACCESS COMPREHENSIVE INFORMATION, ADVOCACY, AND OTHER RESOURCES REGARDING PUBLIC AND PRIVATE BEHAVIORAL HEALTH SERVICES, CRISIS AND EMERGENCY SERVICES, AND EARLY INTERVENTION AND PREVENTION PROGRAMS; AND

(2) ENABLES THE PUBLIC AND PRIVATE HEALTH CARE COMMUNITIES TO WORK TOGETHER TO ADDRESS THE PROBLEMS RELATED TO PROVIDING AND OBTAINING ACCESS TO BEHAVIORAL HEALTH SERVICES.

13-2702.

(A) SUBJECT TO THE LIMITATIONS OF ITS BUDGET, THE DEPARTMENT:

(1) IN COLLABORATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS, THE MARYLAND NATIONAL GUARD, AND THE MARYLAND DEFENSE FORCE, SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL GEOGRAPHIC REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL HEALTH SERVICES WHICH MAY BE AVAILABLE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS;

(2) (I) WHERE SERVICES ARE NOT YET AVAILABLE OR ACCESSIBLE THROUGH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, SHALL PROVIDE SERVICE COORDINATION FOR VETERANS IN ALL GEOGRAPHIC REGIONS OF THE STATE TO CONNECT THEM TO BEHAVIORAL HEALTH SERVICES WHICH MAY BE AVAILABLE THROUGH THE MENTAL HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION, UNTIL SUCH FEDERAL SERVICES CAN BE ACCESSED AND OBTAINED; AND

(II) THE PROVISION OF SERVICES THROUGH THE MENTAL HYGIENE ADMINISTRATION OR THE ALCOHOL AND DRUG ABUSE ADMINISTRATION SHALL BE BASED ON ELIGIBILITY AND MEDICAL NECESSITY CRITERIA ESTABLISHED BY THESE ADMINISTRATIONS; AND

(3) SHALL PROVIDE VETERANS UP-TO-DATE INFORMATION ABOUT BEHAVIORAL HEALTH SERVICES AND RESOURCES THROUGH A WEB-BASED RESOURCE PROGRAM.

(B) SUBJECT TO THE LIMITATIONS OF ITS BUDGET AND IN ADDITION TO THE SERVICE COORDINATION PROVIDED UNDER SUBSECTION (A) OF THIS

SECTION, THE DEPARTMENT SHALL PROVIDE OR FUND CERTAIN BEHAVIORAL HEALTH SERVICES FOR VETERANS WHO:

(1) MEET THE ELIGIBILITY AND MEDICAL NECESSITY CRITERIA OF THE MENTAL HYGIENE ADMINISTRATION AND THE ALCOHOL AND DRUG ABUSE ADMINISTRATION; AND

(2) CANNOT OBTAIN IMMEDIATE ACCESS TO BEHAVIORAL HEALTH SERVICES THROUGH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

(C) (1) THE BEHAVIORAL HEALTH SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION MAY INCLUDE:

(I) CRISIS SERVICES IN ALL GEOGRAPHIC REGIONS OF THE STATE; AND

(II) SHORT-TERM BEHAVIORAL HEALTH SERVICES IN RURAL AREAS OF THE STATE, WHERE EXISTING FEDERAL AND STATE BEHAVIORAL HEALTH SERVICES ARE DETERMINED BY THE DEPARTMENT TO BE INADEQUATE OR INACCESSIBLE.

(2) THE SHORT-TERM BEHAVIORAL HEALTH SERVICES PROVIDED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) SHALL BE AVAILABLE ONLY UNTIL A VETERAN IS ABLE TO ACCESS AND OBTAIN ADEQUATE BEHAVIORAL HEALTH SERVICES THROUGH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; AND

(II) MAY INCLUDE:

1. SCREENING ASSESSMENTS;
2. INDIVIDUAL, FAMILY, AND GROUP THERAPY;
3. SUBSTANCE ABUSE EARLY INTERVENTION AND DETOXIFICATION SERVICES; AND

4. SUBSTANCE ABUSE MEDICATION-ASSISTED TREATMENT.

(3) THE DEPARTMENT SHALL SEEK REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR OTHER

RESPONSIBLE PUBLIC OR PRIVATE PAYER FOR ANY BEHAVIORAL HEALTH SERVICES PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(D) THE DEPARTMENT SHALL ACCOUNT SEPARATELY FOR FUNDS USED TO PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS UNDER SUBSECTION (B) OF THIS SECTION.

13-2703.

(A) THERE IS A VETERANS BEHAVIORAL HEALTH ADVISORY BOARD.

(B) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) THE LIEUTENANT GOVERNOR;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) THE SECRETARY OF THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS, OR THE SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(6) THE ADJUTANT GENERAL, OR THE ADJUTANT GENERAL'S DESIGNEE;

(7) A REPRESENTATIVE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; AND

~~(7)~~ (8) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ONE REPRESENTATIVE OF A VETERANS SERVICE ORGANIZATION;

(II) ONE REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT;

(III) ONE REPRESENTATIVE OF A PRIVATE PROVIDER OF BEHAVIORAL HEALTH SERVICES;

(IV) ONE VETERAN; AND

(V) ONE FAMILY MEMBER OF A VETERAN.

(C) THE LIEUTENANT GOVERNOR SHALL BE THE CHAIR OF THE ADVISORY BOARD.

(D) THE DEPARTMENTS OF HEALTH AND MENTAL HYGIENE AND VETERANS AFFAIRS SHALL PROVIDE STAFF FOR THE ADVISORY BOARD.

(E) A MEMBER OF THE ADVISORY BOARD MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY BOARD, BUT IS ENTITLED TO REIMBURSEMENT EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) A MAJORITY OF THE FULL MEMBERSHIP OF THE ADVISORY BOARD SHALL CONSTITUTE A QUORUM.

(G) THE ADVISORY BOARD MAY ACT ON ANY MATTER WITH THE AUTHORIZATION OF A MAJORITY OF THE QUORUM PRESENT AND VOTING.

(H) THE ADVISORY BOARD SHALL:

(1) CONDUCT AN IMMEDIATE ANALYSIS OF THE BEHAVIORAL HEALTH NEEDS OF VETERANS AND THEIR FAMILIES;

(2) IDENTIFY THE GAPS IN BEHAVIORAL HEALTH SERVICES AVAILABLE TO VETERANS AND THEIR FAMILIES;

(3) IDENTIFY IMPEDIMENTS TO THE ABILITY OF VETERANS AND THEIR FAMILIES TO ACCESS THE BEHAVIORAL HEALTH SERVICES THAT ARE AVAILABLE, PARTICULARLY IN THE STATE'S RURAL AREAS;

(4) FACILITATE COLLABORATION AMONG ORGANIZATIONS AND ENTITIES, INCLUDING HOSPITALS, THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO VETERANS AND THEIR FAMILIES;

(5) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING OUTREACH TO VETERANS AND THEIR FAMILIES IN NEED OF BEHAVIORAL HEALTH SERVICES;

(6) PROMOTE FEDERAL AND STATE COLLABORATION TO MAXIMIZE FUNDING AND ACCESS TO RESOURCES FOR THE BEHAVIORAL HEALTH NEEDS OF VETERANS AND THEIR FAMILIES;

(7) MAKE RECOMMENDATIONS WITH RESPECT TO BUILDING PROVIDER CAPACITY AND INCREASING PROVIDER TRAINING TO MEET THE BEHAVIORAL HEALTH NEEDS OF VETERANS AND THEIR FAMILIES; ~~AND~~

(8) MAKE RECOMMENDATIONS WITH RESPECT TO IMPROVING THE COORDINATION OF BEHAVIORAL HEALTH SERVICES FOR VETERANS AND THEIR FAMILIES; AND

(9) MAKE RECOMMENDATIONS ON METHODS TO PROVIDE BEHAVIORAL HEALTH SERVICES TO INDIVIDUALS WHO ARE NOT ELIGIBLE FOR BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS DUE TO A DISHONORABLE DISCHARGE OR RELEASE FOR A REASON RELATING TO SUBSTANCE ABUSE OR MENTAL ILLNESS.

(I) THE ADVISORY BOARD SHALL SUBMIT AN INTERIM REPORT OF ITS FINDINGS ON OR BEFORE DECEMBER 1, 2009, AND A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS ON OR BEFORE DECEMBER 1, 2010, TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before September 1, 2008, the Department of Health and Mental Hygiene, in conjunction with the Veterans Behavioral Health Advisory Board established under Section 1 of this Act, shall submit a grant application to the United States Department of Veterans Affairs or other appropriate federal agency for a minimum of \$3,500,000 in federal funds in fiscal year 2010 and a minimum of \$3,500,000 in federal funds in fiscal year 2011 to support the provision of behavioral health services to veterans under this Act.

(b) The Department shall send a copy of the application required under this section to the members of the Maryland Congressional Delegation and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 3 years and, at the end of May 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 22, 2008.