

## 2023 Maryland General Assembly Legislative Session Summary

The 2023 Maryland General Assembly Legislative Session—the first of the Moore-Miller Administration—ended on April 10. The General Assembly passed a number of bills that advance **BHSB’s policy priorities**, including efforts to support the behavioral health workforce and increase funding for behavioral health crisis services. Combined, these legislative wins will improve the behavioral health and wellbeing of residents across Baltimore and the state.

### Building a stable behavioral health workforce

- **Mental Health - Workforce Development - Fund**

([HB 418/SB 283](#) PASSED)

This legislation establishes a behavioral health workforce investment fund to reimburse costs associated with educating, training, certifying, recruiting, placing, and retaining behavioral health professionals. The bill directs the Maryland Health Care Commission (MHCC) and other state agencies to conduct a needs assessment of the Maryland behavioral health workforce and issue a report by October 1, 2024. The assessment report will be used to determine appropriate strategies and funding levels for the workforce investment fund.

- **Preserve Telehealth Access Act of 2023** ([SB 534](#) PASSED)

This legislation extends, for two years, requirements that Medicaid and commercial insurance cover audio-only telehealth and that telehealth reimbursement for providers be set at the same rate as in-person services. The MHCC is also required to study telehealth and recommend permanent policies to be enacted before the two-year extension sunsets on June 30, 2025.

- **Health Occupations - Licenses, Certificates, and Registrations – Immigrants** ([HB 454/SB 187](#) PASSED)

This legislation prohibits Maryland health occupation boards from denying an occupational license due to lack of citizenship or undocumented immigration status. This will increase the number of licensed health and mental health professionals able to practice in Maryland and increase diversity among the state’s health and mental health professionals.

### Strengthening and expanding community-based behavioral health crisis services

- **988 Trust Fund—Funding** ([HB 271/SB 3](#) PASSED)

This legislation allocates an additional \$12 million to the 988 Trust Fund in FY25. It was priority legislation for the [Fund MD988 Campaign](#) and builds on

the work to establish the 988 Trust Fund last year. This additional funding will allow Maryland to invest in new staffing and infrastructure to expand the 988 and crisis response network at a time when call volume and the demand for services continue to rise.

- **Public Health – Mental Health Advance Directives – Awareness and Statewide Database** ([SB 154](#) PASSED)

This legislation directs the state to conduct a public awareness campaign promoting the use of mental health advance directives. The state must also study how information on mental health advance directives can be made available to crisis response providers and first responders.

### Investing in co-designed mental health and support services for youth and families

- **Workgroup on Establishing a Youth Codesigned Integrated Behavioral Health Model** ([HB 1155](#) FAILED)

This legislation sought to create the Workgroup on Establishing a Youth Codesigned Integrated Behavioral Health Model staffed by the Behavioral Health Administration (BHA).

### Establishing Overdose Prevention Sites and promoting harm reduction strategies

- **Criminal Procedure - Medical Emergency - Immunity (Good Samaritan Law)** ([HB 427](#) / [SB 546](#) PASSED)

This legislation extends protections against the violation of parole and probation to the person experiencing the medical emergency.

- **Public Health-Overdose and Infectious Disease Prevention Services Program** ([HB 953](#)/ [SB 618](#) FAILED)

This legislation sought to allow organizations to open an Overdose and Infectious Disease Prevention Services Program in one or more counties. The legislation allows no more than six OPS statewide: two in urban areas, two in suburban areas, and two in rural areas. The program must provide a location supervised by health care professionals or other trained staff where drug users can consume pre-obtained drugs. The program must also provide sterile injection supplies, information regarding safe injection practices, and referrals to obtain naloxone and treatment services.

- **Drug Paraphernalia for Administration - Decriminalization** ([HB 173](#)/ [SB 762](#) FAILED).

This bill sought to revise existing criminal law to remove items that could be used to consume drugs from the established list of drug paraphernalia, effectively decriminalizing possession of those items.

### FY24 Funding Commitments for Behavioral Health

- An 11% Medicaid reimbursement rate increase for community-based behavioral health services was approved. Starting July 1, 2023, rates will increase by 3% and another 8% increase will begin on January 1, 2024, to align with the states minimum wage increase.
- \$5.5 million for the 988 Trust Fund. This funding will support Maryland's network of 988 call centers.

The budget also includes language requiring the Maryland Department of Health (MDH) and other state agencies to submit reports and take other actions related to behavioral health including:

- BHA report on the statewide utilization of tele-behavioral health services, due with the submission of the FY 25 budget documentation.
- BHA report on the availability and prevalence of medication-assisted treatment (MAT) and barriers to accessing MAT, due on September 1, 2023.
- BHA report on the availability of services for children and youth, due on July 1, 2023.
- Department of Public Safety and Correctional services report on the progress of the MAT pilot program at the pretrial complex in Baltimore City, due on July 1, 2023.
- Department of Human Services report on hospital stays by youth in out-of-home placements, due on December 1, 2023.

### Other key legislation

- **Behavioral Health Care - Treatment and Access (Behavioral Health Model for Maryland)** ([HB 1148/SB 582](#) PASSED)  
This legislation establishes the Commission on Behavioral Health Care Treatment and Access; creates the Behavioral Health Care Coordination Value-Based Purchasing Pilot Program; extends provisions relating to telehealth services for two years; requires the MHCC to study and make recommendations regarding telehealth; and requires MDH to apply for specified federal grant funds and inclusion in the state-certified community behavioral health clinic (CCBHC) demonstration program. The bill provides an annual appropriation of \$600,000 for the value-based purchasing pilot program and sets the state up to apply for federal planning and implementation funds for CCBHCs in FY25 and FY26.
- **Maryland Medical Assistance Program – Collaborative Care Model Services – Implementation and Reimbursement Expansion** ([HB 48/SB 101](#) PASSED)  
This legislation permanently expands the Medicaid Collaborative Care Model pilot program statewide, allowing primary care providers to access behavioral health consultation and support for their patients.
- **Recovery Residence Grant Program** ([SB 558](#) PASSED)

This bill establishes a Recovery Residence Grant Program at MDH to award competitive grants to recovery residences to support operations, services, and programs. The annual budget bill must include an appropriation of \$500,000 for the program for fiscal years 2024-2027.

- **Public Health - Home- and Community-Based Services for Children and Youth** ([HB 322/SB 255](#) PASSED)

This legislation requires MDH to expand access to and provide reimbursement for specified wraparound, intensive in-home, and case management services relating to the 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families Program.

- **Maryland Medical Assistance Program – Gender-Affirming Treatment (Trans Health Equity Act)** ([HB 283/SB 460](#) PASSED)

This legislation requires Medicaid, beginning January 1, 2024, to provide coverage for gender-affirming treatment for all Medicaid recipients as prescribed by a licensed health care provider.

- **Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)** ([SB 858](#) PASSED)

This legislation strengthens the requirements to safely store firearms to prevent minors from accessing them without permission. This will reduce accidental firearm injuries and youth suicide. The state is also required to educate families and other stakeholders on proper firearm storage.

- **Maryland Insurance Commissioner Enforcement- Specialty Mental Health Services and Payment of Claims- Sunset Extension** ([HB 1272](#) PASSED)

This emergency legislation extends for two years the Maryland Insurance Administration's authority to levy penalties against Optum for failing to meet minimum performance standards.