

(I) DIVIDING THE MENTAL HYGIENE FACILITY'S APPROPRIATION BY THE DAILY AVERAGE CENSUS REPORTED IN THE MENTAL HYGIENE FACILITY'S ANNUAL OPERATING BUDGET FOR THE LAST FULL YEAR THE INDIVIDUAL WAS SERVED IN THE MENTAL HYGIENE FACILITY PRORATED OVER THE NUMBER OF MONTHS THE INDIVIDUAL IS SERVED IN THE COMMUNITY; AND

(II) SUBTRACTING THE FOLLOWING:

1. THE AVERAGE ANNUAL ITEMIZED EXPENSES ASSOCIATED WITH INSTITUTIONAL SERVICES AND ADMINISTRATIVE OVERHEAD COSTS THAT ARE DEMONSTRATED TO BE DIRECTLY ATTRIBUTABLE TO SERVING INDIVIDUALS REMAINING IN THE MENTAL HYGIENE FACILITY;

2. THE COST FOR NEW ADMISSIONS CERTIFIED IN ACCORDANCE WITH THE PROVISIONS OF SUBTITLE 6 OF THIS TITLE; AND

3. THE COST FOR COURT ORDERED COMMITMENTS.

(B) IF A FACILITY OPERATED BY THE MENTAL HYGIENE ADMINISTRATION IS CLOSED OR IF IT IS DOWNSIZED SUCH THAT THE NET RESIDENT POPULATION DECLINES:

(1) STATE GENERAL FUNDS MAY BE APPROPRIATED AS NECESSARY, IN ADVANCE, TO ASSIST IN THE CLOSURE OR DOWNSIZING; AND

(2) ANY FUNDS IN THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND:

(I) MAY NOT SUPPLANT RESOURCES FOR EXISTING COMMUNITY SERVICES; AND

(II) SHALL BE USED TO MEET THE NEEDS OF:

1. INDIVIDUALS LEAVING FACILITIES TO ENTER COMMUNITY-BASED SERVICES; AND

2. INDIVIDUALS WHO ARE IDENTIFIED BUT NOT YET PROVIDED WITH COMMUNITY-BASED SERVICES.

(C) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE MANAGEMENT AND USE OF THE MONEY IN THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND.

(D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY SHALL PREPARE A REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY AND THE DEPARTMENT OF FISCAL SERVICES ON THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND.

(E) ANY UNSPENT PORTIONS OF THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND AND ANY INTEREST EARNED ON MONEY IN THE WAITING LIST EQUITY FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.