

~~*committees of the General Assembly on a certain matter on or before a certain date;*~~ and generally relating to ~~the Mental Hygiene Administration and the Community-Based Services Fund~~ community-based services.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 7-206(b) and 10-208

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)

Preamble

WHEREAS, The mission of the Mental Hygiene Administration is to create and manage a coordinated, comprehensive, accessible, culturally sensitive, and age appropriate system of publicly-funded services and supports for individuals who are diagnosed with a psychiatric disorder; and

WHEREAS, One of the stated values of the Mental Hygiene Administration is that, “services should be provided in the least restrictive, most normative, and most appropriate setting”; and

WHEREAS, The Supreme Court held in the 1999 *Olmstead v. L.C.* decision that, “under Title II of the Americans With Disabilities Act, States are required to provide community-based treatment for persons with mental disabilities in community settings when the State’s treatment professionals have determined that such placement is appropriate, the affected persons do not oppose such treatment, and the placement can be reasonably accommodated, taking into account the resources available to the State”; and

WHEREAS, The Department of Health and Mental Hygiene’s October 2003 Report to the Joint Chairmen on Maryland’s Public Mental Health System on Restructuring the System of Hospital Care concluded that the State may consolidate its three existing regional psychiatric hospitals in central Maryland to two hospitals while continuing to meet the needs of individuals diagnosed with a psychiatric disorder; and

WHEREAS, To ensure that Maryland meets its obligation to provide treatment for persons with mental disabilities in community settings where appropriate, the savings associated with consolidation and closure need to be allocated to the Mental Hygiene Administration’s Community-Based Services Fund to provide community services to individuals who are ready for discharge from a State psychiatric hospital, and to expand the access to community services to prevent the unnecessary use of costly hospital care and to promote independence and recovery; now, therefore,

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