

Article - Health - General7-206.

(b) Subject to the appropriation process in the annual operating budget, the Department shall use the Waiting List Equity Fund for[:

(1) Providing community-based services to each individual who leaves a State residential center on or after October 1, 1994; and

(2) Providing] PROVIDING community-based services to individuals eligible for, but not receiving, services from the Developmental Disabilities Administration[, with the funds remaining after each individual who leaves a State residential center on or after October 1, 1994 is served in the community].

10-208.

(a) (1) There is a continuing nonlapsing Mental Hygiene Community-Based Services Fund.

(2) [Subject to the appropriation process, the] THE purpose of the Mental Hygiene Community-Based Services Fund is to ensure that funds realized from the SALE OR LEASE OF MENTAL HYGIENE ADMINISTRATION FACILITIES AS THE RESULT OF downsizing, CONSOLIDATION, OR CLOSURE [of Mental Hygiene Administration facilities] are used to provide community-based services.

[(3) In determining funding for the Mental Hygiene Community-Based Services Fund, the cost of providing services to an individual in a mental hygiene facility shall be calculated by:

(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) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY MENTAL HYGIENE ADMINISTRATION FACILITY IS DOWNSIZED, CONSOLIDATED, OR CLOSED, ALL STATE PROPERTY ASSOCIATED WITH THE FACILITY THAT IS NOT TRANSFERRED TO ANOTHER GOVERNMENTAL ENTITY SHALL BE SOLD OR LEASED AT FAIR MARKET VALUE, AND THE NET PROCEEDS OF THE SALE OR LEASE SHALL BE DEPOSITED INTO THE MENTAL HYGIENE COMMUNITY-BASED SERVICES FUND.