



2017 Maryland General Assembly Session Wrap Up Report

The 2017 Maryland General Assembly saw an unprecedented number of proposals to attempt to deal with the opioid overdose crisis facing the state. NCADD-Maryland, the recovery community and health care providers played meaningful roles in policy decisions and coalition activities in the work that was accomplished.

FY 2018 Budget

The final FY18 budget includes \$10 million in a new Opioid Crisis Fund in the Maryland Department of Health¹ to be used for a broad range of evidence-based strategies aimed at preventing and treating the opioid crisis. Budget language specifies:

Funds shall be used to provide grants to other state agencies, local governments, and private community based programs. These may include, but not limited to, 24/7 crisis response services, expansion of alternatives to incarceration including drug court programs, day reporting centers, reentry programs, expansion of clinical services, identification of those in need of treatment, marketing the state's existing behavioral health crisis hotline, enforcement activities to dismantle drug trafficking organizations, and education and outreach efforts. Funding decisions regarding the expenditure of such funds shall be made as specified in HB 1329 or SB 967 [The HOPE Act] and distributed by the Department of Health.

Reporting to the General Assembly on expenditures from this fund is required on a quarterly basis in FY 2018. In addition to this new appropriation, the budget includes:

- 2% rate increase for both mental health and substance use disorder (SUD) providers;
- \$1.5 to fund residential treatment services for court-ordered individuals;
- \$500,000 to fund the Opioid Operational Command Center; and
- \$1.9 million in new special and federal funding for the Prescription Drug Monitoring Program.

Accompanying the budget each year is a document called the Joint Chairmen's Report (JCR). The JCR on the FY 2018 budget includes budget restrictions and requirements for a number of reports to be made to the General Assembly. Several items of interest to NCADD-Maryland include:

- Reports from the Maryland Department of Health (MDH) detailing:
 - The feasibility, costs, and benefits of merging core service agencies with local addictions authorities;
 - The behavioral health accreditation process;

¹ Chapter 214 (Senate Bill 82) was signed into law on April 18, 2017. The law will officially change the name of the Department of Health and Mental Hygiene to the Maryland Department of Health, effective July 1, 2017.

- The approach that MDH submits to the Centers for Medicare and Medicaid Services for integration of behavioral and somatic health services together with a preliminary timeline for the concept design submission;
- MDH’s development of a collaborative care pilot program for integrating somatic and behavioral health services in primary care settings; and
- The adequacy of the rates for substance use disorder treatment services within the Medicaid program;
- Reports from both the Department of Public Safety and Correctional Services (DPSCS) and MDH detailing:
 - The efforts to ensure that individuals transitioning from the criminal justice system connect to health care coverage; and
 - The impact of the decision to remove Suboxone Film from the Maryland Medicaid Preferred Drug List;
- The submission of a three-year plan to fully staff the Office of Health Care Quality; and
- The restriction of \$750,000 in the Medicaid budget for a pilot study regarding management of opioid-related pain medication.

Finally, there is budget language in response to the Governor’s declaration of a State of Emergency pertaining to the heroin, opioid, and fentanyl overdose crisis, expressing the intent of the General Assembly that the Governor appoint an individual to administer the described duties on a more permanent basis given the long standing and persistent nature of the crisis and the short-term nature of State of Emergency declarations.

Legislation

Through written and oral testimony, coalition activity, and direct lobbying, NCADD-Maryland helped shape and determine the outcome of numerous pieces of legislation during the General Assembly Session. The extraordinary number of bills that were introduced specific to the opioid overdose crisis required significant work to address the concerns of all stakeholders and to minimize unintended consequences. The bills related to substance use disorders that passed that were supported by NCADD-Maryland include:

- **The HOPE Act (Senate Bill 967/House Bill 1329)** – This omnibus bill includes items related to expanding drug courts; expanding the scope of overdose fatality review teams to include non-fatal overdoses; expanding crisis service centers; establishment of a service-rich health crisis hotline; expanding access to naloxone; increasing provider reimbursement rates (Keep the Door Open Act); examining the role of hospitals in providing treatment; and examining the capacity to provide treatment to people who are incarcerated.
- **Start Talking Act (SB 1060/HB 1082)** – This bill includes items related to education in public schools about substance use disorders; establishing policies in public schools and on higher education campuses regarding responding to overdoses; providing resources for community-based communication and public relations activities regarding opioid and other substance use disorders; requiring institutions of higher education that train health care professionals to offer courses in SUDs and pain management; and analyzing availability of school-based behavioral health services.

- **Prior Authorization Removal (HB 887)** – This bill prohibits commercial insurance carriers from requiring prior authorizations for medications used in the treatment of opioid use disorders.
- **Parity Clarity (SB 968/HB 1127)** – This bill clarifies the state’s existing law regarding Parity in the commercial insurance market.
- **Recovery Residences (HB 869)** – This bill requires people being discharged from SUD programs to receive a list of State-certified recovery residences.
- **Problem Gambling Fund (HB 1227)** – This bill expands the purposes for which money in the Problem Gambling Fund can be spent and expresses legislative intent to increase the fees that contribute to the Fund if existing resources are insufficient.

A bill was introduced late in session (SB 1129) to exempt certain substance use disorder treatment programs from the requirement to become accredited in order to be licensed by the state. The bill initiated a discussion among providers, advocates, the legislature, and the Department regarding the status and ability of programs around the state in complying with this law. The bill did not pass and the Department committed to examining the issue further. NCADD-Maryland has supported the accreditation requirement along with financial and technical support to those programs that need the assistance.

There were a number of proposals that focused on enhanced penalties and greater involvement of law enforcement in issues involving overdoses. The only bill on this topic that passed was one introduced by the Governor (SB 539). His original proposal would have established a new crime, with a punishment of up to 30 years in prison, for distributing an opioid or opioid-analogue that resulted in a person’s death. As amended and passed, the new law will allow for an enhanced penalty of up to 10 years for knowingly distributing fentanyl or heroin mixed with fentanyl.

While these penalty bills were introduced, as well as a bill to require reporting of suspected overdoses to law enforcement, there were relatively few punitive bills discussed during this legislative session. At the same time, there were numerous bills introduced on the topic of involuntary treatment. The one that passed (SB 433/HB 1093) allows parents to force their minor children to participate in intensive outpatient treatment, similar to how parents can currently force their minor children to participate in residential treatment services. Based on the introduction of these bills, it is logical to assume the issue will be raised again next year.