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ATTACHMENT C

December 13, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 72 of House Bill No. 4269, "An Act relative to immediate COVID-19 recovery needs".

Section 72 establishes a Behavioral Health Trust Fund, which is administered by the Commissioner of the Department of Public Health. The Trust is funded with a transfer of approximately $198 million from the Behavioral Health Reserve Account (line 1599-2026), subject to further appropriation. The purpose of the Trust is to address barriers to the delivery of an equitable, culturally competent, affordable, and clinically-appropriate continuum of behavioral health care and services. Section 72 also creates a Behavioral Health Advisory Commission consisting of twenty members, including members of the General Court and their appointees, the Secretary of the Executive Office of Health and Human Services, appointees selected by the Governor, and various stakeholders. Neither the Commissioners of the Department of Mental Health nor Public Health are members of the Advisory Commission. The charge of the Advisory Commission is to provide the Legislature a report identifying and assessing eleven enumerated categories of potential barriers to accessing behavioral health services. Based on its findings, the Advisory Commission is required to make recommendations on funding to the Legislature for further appropriation from the Trust Fund.

I support the establishment of a Behavioral Health Trust Fund. I support the focus of the Trust on equitable, culturally competent, affordable, and clinically appropriate behavioral health care and services. I support the creation of an Advisory Commission to recommend to the Fund administrator the best use of Trust funds. I applaud each of the enumerated goals the Legislature has directed the Advisory Commission to focus on. I support the focus on workforce development; on addressing health care disparities including the structural barriers to accessing behavioral health services for many Commonwealth residents as a result of race, gender, sexual orientation, and limited English language proficiency; and I support improving access to treatment for justice involved and incarcerated individuals. However, I do not support Section 72 as currently drafted.

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Section 72 establishes a lengthy, bureaucratic process that will unnecessarily delay the delivery of critical funding to Massachusetts residents with behavioral health disorders and behavioral health care providers who have already been waiting far too long. The Advisory Commission should be just that: advisory, not the first step in a second round of an already protracted appropriations process. Additionally, the Secretary of the Executive Office of Health and Human Services is the state official most appropriate to administer the Trust, rather than the Commissioner of the Department of Public Health. Finally, the Advisory Commission should include among its membership both the Commissioners of the Department of Mental Health and Public Health.

For these reasons, I recommend that Section 72 be amended by striking out the first sentence of subsection (a) of section 72 and inserting in place thereof the following sentence:-

There shall be a Behavioral Health Trust Fund that shall be administered by the secretary of health and human services, who shall expend the funds for the purpose of addressing barriers to the delivery of an equitable, culturally competent, affordable and clinically-appropriate continuum of behavioral health care and services.

And by inserting in the first sentence of paragraph (1) of subsection (b) of said section 72 after the words "general court" the following words:- and the secretary of health and human services.

And by striking out in the second sentence of said paragraph (1) of said subsection (b) of said section 72 the words "secretary of health and human services" and inserting in place thereof the following words:- commissioner of public health; the commissioner of mental health;.

And by inserting in paragraph (3) of said subsection (b) of said section 72 after the words "findings and recommendations to the" the following words:- secretary of health and human services.

And by adding to said paragraph (3) of said subsection (b) of said section 72 the following sentence:-

The secretary shall consider such findings and recommendations in making expenditures from the fund.

And by striking out in subsection (c) of said section 72 the word "commissioner" and inserting in place thereof the following words:- secretary of health and human services.

Respectfully submitted,

Charles D Baker

Charles D. Baker
Governor