

HOUSE BILL 1510

J1

(4lr0130)

ENROLLED BILL

— *Health and Government Operations/Finance* —

Introduced by **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Behavioral Health Administration – Establishment and Duties**

3 FOR the purpose of merging the Alcohol and Drug Abuse Administration and the
4 Mental Hygiene Administration in the Department of Health and Mental
5 Hygiene to establish the Behavioral Health Administration in the Department;
6 establishing the ~~qualifications~~, responsibilities, powers, and duties of the
7 Director of the Behavioral Health Administration; requiring certain substance
8 use disorder programs and certain mental health programs to be licensed by the
9 Secretary of Health and Mental Hygiene, with certain exceptions; requiring the
10 Secretary to adopt certain regulations; repealing a prohibition on discrimination
11 against an individual for certain reasons for certain services provided by the
12 Alcohol and Drug Abuse Administration; authorizing the Secretary to require a
13 substance use disorder program or a mental health program to be granted
14 certain accreditation as a condition of licensure; repealing the position, powers,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 and duties of the Director of the Alcohol and Drug Abuse Administration;
2 repealing the position, powers, and duties of the Director of Mental Hygiene;
3 adding and altering certain defined terms; making conforming and stylistic
4 changes; requiring the Secretary of Health and Mental Hygiene to convene a
5 certain stakeholder workgroup to make certain recommendations; requiring the
6 stakeholder workgroup to report certain findings and recommendations to the
7 Governor and General Assembly on or before a certain date; and generally
8 relating to behavioral health care and the Behavioral Health Administration in
9 the Department of Health and Mental Hygiene.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 9–603(b)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 5–502
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 6–229(c)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2013 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Education
27 Section 2–303(h)(1), 8–412(a)(7), and 21–305(c)
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2013 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article – Health – General
32 Section 2–106(a), 2–501(f), 2–601(m), 4–307(a)(3) and (4), 5–703(a)(12), 5–803,
33 5–804(f)(1), 5–805(a)(1), 5–808(b)(1), 7–403(d), and 7–802; 8–101(b),
34 8–402, 8–403, 8–404, 8–503, and 8–702 to be under the amended title
35 “Title 8. Substance Use Disorders Law”; 10–101(b) and (d) and 10–901 to
36 be under the amended title “Title 10. Mental Health Law”; and
37 19–2301(d)
38 Annotated Code of Maryland
39 (2009 Replacement Volume and 2013 Supplement)

40 BY adding to
41 Article – Health – General

- 1 Section 7.5–101 through 7.5–204, to be under the new title “Title 7.5.
2 Behavioral Health Administration”; and 8–101(m)
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2013 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Health Occupations
7 Section 20–101(b) and 20–202(a)
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2013 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Human Services
12 Section 5–314(h) and 8–406(a)
13 Annotated Code of Maryland
14 (2007 Volume and 2013 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 1–401(b)(7)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2013 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – State Finance and Procurement
22 Section 10–309
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – State Government
27 Section 9–2802(a)(2) and 9–2806
28 Annotated Code of Maryland
29 (2009 Replacement Volume and 2013 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Transportation
32 Section 16–212(f)(1) and 16–212.1(a)
33 Annotated Code of Maryland
34 (2012 Replacement Volume and 2013 Supplement)
- 35 BY repealing
36 Article – Health – General
37 Section 8–201 through 8–204, 8–405, and 10–201 through 10–204
38 Annotated Code of Maryland
39 (2009 Replacement Volume and 2013 Supplement)

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

3 **Article – Correctional Services**

4 9–603.

5 (b) The procedures and standards used to determine drug addiction and
6 treatment of addicted inmates are subject to the guidelines and regulations adopted by
7 the [Alcohol and Drug Abuse Administration in the] Department of Health and
8 Mental Hygiene.

9 **Article – Criminal Law**

10 5–502.

11 An authorized provider may not dispense methadone, directly or by
12 prescription, unless:

13 (1) the authorized provider is associated with a controlled drug
14 therapy program authorized by the [Alcohol and Drug Abuse Administration of the]
15 Department; or

16 (2) an emergency or medical situation exists under regulations that
17 the Department adopts in cooperation with the Medical and Chirurgical Faculty of
18 Maryland.

19 **Article – Criminal Procedure**

20 6–229.

21 (c) (1) The State’s Attorney, on request of the defendant or on the State’s
22 Attorney’s own motion, may make an offer to a defendant that if the defendant
23 qualifies for drug or alcohol treatment the State’s Attorney shall dismiss the charge by
24 entering a nolle prosequi with the requirement of drug or alcohol treatment or move
25 that the court indefinitely postpone trial of the charge by marking the charge stet with
26 the requirement of drug or alcohol abuse treatment on the docket.

27 (2) In order to qualify for a nolle prosequi with the requirement of
28 drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse
29 treatment, a defendant shall be evaluated for drug or alcohol abuse by the Department
30 of Health and Mental Hygiene, a designee of the Department, or a private provider
31 **LICENSED TO PROVIDE SUBSTANCE USE DISORDER TREATMENT** under
32 regulations of the [Alcohol and Drug Abuse Administration] **DEPARTMENT OF**
33 **HEALTH AND MENTAL HYGIENE** and the evaluation shall determine whether the

1 defendant is amenable to treatment and, if so, recommend an appropriate treatment
2 program.

3 (3) The drug or alcohol treatment program shall be approved under
4 regulations of the [Alcohol and Drug Abuse Administration] **DEPARTMENT OF**
5 **HEALTH AND MENTAL HYGIENE**.

6 (4) If a defendant qualified under this section accepts an offer
7 described in paragraph (1) of this subsection:

8 (i) the defendant shall sign a consent to the disclosure of such
9 treatment information as may be necessary to allow the disclosure of the disposition of
10 nolle prosequi with the requirement of drug or alcohol treatment or stet with the
11 requirement of drug or alcohol abuse treatment to criminal justice units; and

12 (ii) on successful completion of drug or alcohol treatment, the
13 State's Attorney shall dismiss the charge by entering a nolle prosequi with the
14 requirement of drug or alcohol treatment or move that the court indefinitely postpone
15 trial of the charge by marking the charge stet with the requirement of drug or alcohol
16 abuse treatment on the docket.

17 **Article – Education**

18 2–303.

19 (h) (1) If the program is based on and complies with the standards
20 established by the bylaws, rules, and regulations of the State Board, the State
21 Superintendent shall approve any program of instruction offered by a State institution
22 under the supervision of:

23 (i) The Department of Juvenile Services;

24 (ii) The Developmental Disabilities Administration or [Mental
25 Hygiene Administration of] **THE BEHAVIORAL HEALTH ADMINISTRATION OF** the
26 Department of Health and Mental Hygiene;

27 (iii) The Department of Public Safety and Correctional Services;
28 or

29 (iv) The residential school located within the Institute of
30 Psychiatry and Human Behavior of the University Hospital.

31 8–412.

32 (a) (7) “Public agency” includes the State Department of Education, local
33 education agencies, and other agencies that are responsible for providing education to

1 a child with a disability, including the Department of Health and Mental Hygiene,
2 **[Mental Hygiene Administration] THE BEHAVIORAL HEALTH ADMINISTRATION,**
3 the Developmental Disabilities Administration, the Department of Juvenile Services,
4 and the Maryland School for the Deaf. For the purpose of this section the Maryland
5 School for the Blind shall be considered a public agency.

6 21–305.

7 (c) (1) Each county board shall transmit to the Department information
8 relating to the postsecondary anticipated services of the county's transitioning
9 students. The information shall be reported in the manner required by the
10 Department.

11 (2) The Department shall aggregate the information provided under
12 paragraph (1) of this subsection and forward the information annually to:

13 (i) The **[Mental Hygiene Administration] BEHAVIORAL**
14 **HEALTH ADMINISTRATION** of the Department of Health and Mental Hygiene;

15 (ii) The Developmental Disabilities Administration of the
16 Department of Health and Mental Hygiene; and

17 (iii) Other appropriate State adult services agencies, as
18 determined by the Department.

19 (3) The information under this section shall include, for each
20 transitioning student:

21 (i) The student's current age;

22 (ii) The projected year of exit of the student from school;

23 (iii) Anticipated needs of the student;

24 (iv) The student's county of residence; and

25 (v) Any other information that the Department considers
26 appropriate.

27 **Article – Health – General**

28 2–106.

29 (a) The following units are in the Department:

30 (1) **[Alcohol and Drug Abuse Administration.**

- 1 (2)] Anatomy Board.
- 2 **(2) BEHAVIORAL HEALTH ADMINISTRATION.**
- 3 (3) Developmental Disabilities Administration.
- 4 (4) Health Services Cost Review Commission.
- 5 (5) Maryland Psychiatric Research Center.
- 6 (6) [Mental Hygiene Administration.
- 7 (7)] Postmortem Examiners Commission.
- 8 [(8) **(7)** Board of Examiners for Audiologists.
- 9 [(9) **(8)** Board of Chiropractic Examiners.
- 10 [(10) **(9)** Board of Dental Examiners.
- 11 [(11) **(10)** Board of Dietetic Practice.
- 12 [(12) **(11)** Board of Electrologists.
- 13 [(13) **(12)** Board of Morticians.
- 14 [(14) **(13)** Board of Nursing.
- 15 [(15) **(14)** Board of Examiners of Nursing Home Administrators.
- 16 [(16) **(15)** Board of Occupational Therapy Practice.
- 17 [(17) **(16)** Board of Examiners in Optometry.
- 18 [(18) **(17)** Board of Pharmacy.
- 19 [(19) **(18)** Board of Physical Therapy Examiners.
- 20 [(20) **(19)** Board of Physicians.
- 21 [(21) **(20)** Board of Podiatry Examiners.
- 22 [(22) **(21)** Board of Professional Counselors and Therapists.

- 1 [(23)] **(22)** Board of Examiners of Psychologists.
- 2 [(24)] **(23)** Board of Social Work Examiners.
- 3 [(25)] **(24)** Board of Examiners for Speech–Language Pathologists.
- 4 [(26)] **(25)** Commission on Physical Fitness.
- 5 [(27)] **(26)** Advisory Council on Infant Mortality.

6 2–501.

7 (f) “Program” means the Medical Assistance Program, the Cigarette
8 Restitution Fund Program, [the Mental Hygiene Administration,] the Developmental
9 Disabilities Administration, the [Alcohol and Drug Abuse Administration, the Family
10 Health Administration, the Community Health Administration] **BEHAVIORAL**
11 **HEALTH ADMINISTRATION, THE PREVENTION AND HEALTH PROMOTION**
12 **ADMINISTRATION**, or any other unit of the Department that pays a provider for a
13 service rendered or claimed to have been rendered to a recipient.

14 2–601.

15 (m) “State health program” means the Medical Assistance Program, the
16 Cigarette Restitution Fund Program, [the Mental Hygiene Administration,] the
17 Developmental Disabilities Administration, the [Alcohol and Drug Abuse
18 Administration, the Family Health Administration, the Infectious Disease and
19 Environmental Health Administration] **BEHAVIORAL HEALTH ADMINISTRATION,**
20 **THE PREVENTION AND HEALTH PROMOTION ADMINISTRATION**, or any other unit
21 of the Department that pays a provider for a service rendered or claimed to have been
22 rendered to a recipient.

23 4–307.

24 (a) (3) “Core service agency” means an organization approved by the
25 [Mental Hygiene Administration] **BEHAVIORAL HEALTH ADMINISTRATION** to
26 manage mental health resources and services in a designated area or to a designated
27 target population.

28 (4) “Director” means the Director of the [Mental Hygiene
29 Administration] **BEHAVIORAL HEALTH ADMINISTRATION** or the designee of the
30 Director.

31 5–703.

1 (a) The State Team shall be a multidisciplinary and multiagency review
2 team, composed of at least 25 members, including:

3 (12) The Director of the [Alcohol and Drug Abuse Administration]
4 **BEHAVIORAL HEALTH ADMINISTRATION** of the Department;

5 5-803.

6 The Committee shall:

7 (1) Evaluate causes or factors contributing to deaths in facilities or
8 programs [operated]:

9 (I) **OPERATED** or licensed by the [Mental Hygiene
10 Administration and the] Developmental Disabilities Administration [or operating];

11 (II) **LICENSED BY THE BEHAVIORAL HEALTH**
12 **ADMINISTRATION TO PROVIDE MENTAL HEALTH SERVICES; OR**

13 (III) **OPERATING** by waiver under § 7-903(b) of this article;

14 (2) Review aggregate incident data regarding facilities or programs
15 that are licensed or operated by the Developmental Disabilities Administration or
16 operating by waiver under § 7-903(b) of this article;

17 (3) Identify patterns and systemic problems and ensure consistency in
18 the review process; and

19 (4) Make recommendations to the Secretary and the Secretary of
20 Disabilities to prevent avoidable injuries and avoidable deaths and improve quality of
21 care.

22 5-804.

23 (f) (1) An employee of the Developmental Disabilities Administration or
24 the [Mental Hygiene Administration] **BEHAVIORAL HEALTH ADMINISTRATION**
25 may not be a member of the Committee or any subcommittee of the Committee.

26 5-805.

27 (a) (1) Except as provided in paragraph (3) of this subsection, the Office of
28 Health Care Quality shall review each death of an individual with developmental
29 disabilities or with a mental illness who, at the time of death, resided in or was
30 receiving services from any program or facility licensed or operated by the
31 Developmental Disabilities Administration or operating by waiver under § 7-903(b) of

1 this article, or any program approved, licensed, or operated by the [Mental Hygiene
2 Administration] **DEPARTMENT** under § 10–406, § 10–901, or § 10–902 of this article.

3 5–808.

4 (b) (1) In addition to the public report issued under subsection (a) of this
5 section, the Committee or its subcommittee may at any time issue preliminary
6 findings or make preliminary recommendations to the Secretary, the Secretary of
7 Disabilities, the Director of the Developmental Disabilities Administration, the
8 Director of the [Mental Hygiene Administration] **BEHAVIORAL HEALTH**
9 **ADMINISTRATION**, or to the Director of the Office of Health Care Quality.

10 7–403.

11 (d) If the Secretary determines, based on the application, that the individual
12 has a sole diagnosis of mental disorder, the Secretary shall refer the individual to the
13 [Mental Hygiene Administration] **BEHAVIORAL HEALTH ADMINISTRATION**.

14 7–802.

15 (a) The Developmental Disabilities Administration may ask the [Mental
16 Hygiene Administration] **BEHAVIORAL HEALTH ADMINISTRATION** to accept
17 primary responsibility for an individual in or eligible for admission to a State
18 residential center, if the Developmental Disabilities Administration finds that the
19 individual would be provided for more appropriately in a program for individuals with
20 mental disorders.

21 (b) The [Mental Hygiene Administration] **BEHAVIORAL HEALTH**
22 **ADMINISTRATION** shall determine whether transfer to a mental health program is
23 appropriate.

24 (c) A dispute over a transfer of an individual from the Developmental
25 Disabilities Administration to the [Mental Hygiene Administration] **BEHAVIORAL**
26 **HEALTH ADMINISTRATION** shall be resolved, in accordance with procedures that the
27 Secretary sets, on request of the Developmental Disabilities Administration or the
28 Mental Hygiene Administration.

29 (d) The Director shall give the individual with developmental disability the
30 opportunity for a hearing on the proposed transfer under this section.

31 **TITLE 7.5. BEHAVIORAL HEALTH ADMINISTRATION.**

32 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

33 **7.5–101.**

1 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ADMINISTRATION" MEANS THE BEHAVIORAL HEALTH
4 ADMINISTRATION.

5 (C) "BEHAVIORAL HEALTH" INCLUDES SUBSTANCE USE DISORDERS,
6 ADDICTIVE DISORDERS, AND MENTAL DISORDERS.

7 (D) "BEHAVIORAL HEALTH CARE" INCLUDES PREVENTION, SCREENING,
8 EARLY INTERVENTION, TREATMENT, RECOVERY, SUPPORT, WRAPAROUND, AND
9 REHABILITATION SERVICES, FOR INDIVIDUALS WITH SUBSTANCE USE
10 DISORDERS, ADDICTIVE DISORDERS, MENTAL DISORDERS, OR A COMBINATION
11 OF THESE DISORDERS.

12 ~~(E)~~ (E) "DIRECTOR" MEANS THE DIRECTOR OF THE
13 ADMINISTRATION.

14 ~~7.5-102.~~

15 ~~IT IS THE POLICY OF THE STATE TO ENCOURAGE THE INTEGRATION OF~~
16 ~~BEHAVIORAL HEALTH CARE BY MERGING THE ALCOHOL AND DRUG ABUSE~~
17 ~~ADMINISTRATION WITH THE MENTAL HEALTH HYGIENE ADMINISTRATION,~~
18 ~~AND MANAGING ALL MEDICAID FUNDED SERVICES UNDER ONE~~
19 ~~ADMINISTRATIVE SERVICES ORGANIZATION.~~

20 SUBTITLE 2. BEHAVIORAL HEALTH ADMINISTRATION.

21 7.5-201.

22 THERE IS A BEHAVIORAL HEALTH ADMINISTRATION IN THE
23 DEPARTMENT.

24 7.5-202.

25 (A) THE HEAD OF THE ADMINISTRATION IS THE DIRECTOR AND SHALL
26 BE APPOINTED BY THE SECRETARY.

27 (B) THE DIRECTOR SERVES AT THE PLEASURE OF THE SECRETARY.

28 (C) ~~THE DIRECTOR SHALL:~~

29 ~~(1) HAVE AT LEAST:~~

1 ~~(I) A BACCALAUREATE DEGREE; AND~~

2 ~~(H) EXPERIENCE IN HEALTH ADMINISTRATION; AND~~

3 ~~(2) BE KNOWLEDGEABLE ABOUT THE FUNCTIONS AND PROGRAMS~~
4 ~~OF THE ADMINISTRATION.~~

5 ~~(D) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE~~
6 ~~STATE BUDGET.~~

7 **7.5-203.**

8 **(A) (1) THE DIRECTOR EXERCISES THE POWERS, DUTIES, AND**
9 **RESPONSIBILITIES OF OFFICE SUBJECT TO THE AUTHORITY OF THE**
10 **SECRETARY.**

11 **(2) THE DIRECTOR SHALL REPORT TO THE DEPUTY SECRETARY**
12 **FOR BEHAVIORAL HEALTH AND DISABILITIES.**

13 **(B) THE SECRETARY MAY EXERCISE ANY POWER OR PERFORM ANY**
14 **DUTY OF THE ADMINISTRATION.**

15 **7.5-204.**

16 **(A) THE DIRECTOR IS RESPONSIBLE FOR CARRYING OUT THE POWERS,**
17 **DUTIES, AND RESPONSIBILITIES OF THE ADMINISTRATION.**

18 **(B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
19 **TITLE, THE DIRECTOR MAY:**

20 **(1) WITHIN THE AMOUNTS MADE AVAILABLE BY APPROPRIATION,**
21 **~~GIFT,~~ OR GRANT, MAKE ANY AGREEMENT OR JOINT FINANCIAL ARRANGEMENT**
22 **TO DO OR HAVE DONE ANYTHING NECESSARY, DESIRABLE, OR PROPER TO**
23 **CARRY OUT THE PURPOSES OF THIS TITLE;**

24 **(2) ORGANIZE AND MANAGE THE ADMINISTRATION IN A MANNER**
25 **THAT WILL ENABLE IT BEST TO DISCHARGE THE DUTIES OF THE**
26 **ADMINISTRATION;**

27 **(3) APPOINT THE NUMBER OF ASSISTANT DIRECTORS AND STAFF**
28 **PROVIDED FOR IN THE STATE BUDGET;**

29 **(4) REMOVE AN ASSISTANT DIRECTOR FOR INCOMPETENCE OR**
30 **MISCONDUCT; AND**

1 (5) UNLESS EXPRESSLY PROVIDED OTHERWISE BY LAW, ASSIGN
2 TO ANY SUBORDINATE UNIT OR INDIVIDUAL IN THE ADMINISTRATION ANY
3 FUNCTION THAT IS IMPOSED BY LAW ON THE DIRECTOR.

4 (C) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,
5 THE DIRECTOR SHALL:

6 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF
7 THIS TITLE, INCLUDING PROVISIONS SETTING REASONABLE FEES FOR THE
8 ISSUANCE AND RENEWAL OF ~~LICENSURE FOR THOSE PROGRAMS LICENSED TO~~
9 ~~PERFORM MEDICATION-ASSISTED TREATMENT;~~ LICENSES; AND

10 (2) DO ANYTHING NECESSARY OR PROPER TO CARRY OUT THE
11 SCOPE OF THIS TITLE.

12 (D) THE DIRECTOR IS RESPONSIBLE FOR SUPERVISING THE CUSTODY,
13 CARE, AND TREATMENT OF INDIVIDUALS WHO HAVE MENTAL DISORDERS.

14 (E) THE DIRECTOR SHALL PROVIDE FACILITIES FOR THE CARE AND
15 TREATMENT OF INDIVIDUALS WHO HAVE MENTAL DISORDERS.

16 (F) (1) THE DIRECTOR SHALL ESTABLISH PROGRAMS FOR RESEARCH
17 AND DEVELOPMENT OF CARE AND TREATMENT FOR INDIVIDUALS WHO HAVE
18 ~~MENTAL~~ BEHAVIORAL HEALTH DISORDERS.

19 (2) THE DIRECTOR MAY PROVIDE MONEY FOR A PUBLIC OR
20 NONPROFIT ORGANIZATION TO CARRY OUT PILOT OR DEMONSTRATION
21 PROJECTS REGARDING INDIVIDUALS WHO HAVE ~~MENTAL~~ BEHAVIORAL HEALTH
22 DISORDERS.

23 Title 8. [Alcohol and Drug Abuse Administration] **SUBSTANCE USE DISORDERS**
24 LAW.

25 8-101.

26 (b) "Administration" means the [Alcohol and Drug Abuse] **BEHAVIORAL**
27 **HEALTH** Administration.

28 (M) "SUBSTANCE USE DISORDER" MEANS ALCOHOL ABUSE, ALCOHOL
29 DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE, DRUG
30 MISUSE, OR ANY COMBINATION OF THESE.

31 8-402.

1 (a) The [Administration] **SECRETARY** shall:

2 (1) Plan and encourage development of, and coordinate the [facilities]
3 **PROGRAMS** and services that offer treatment, care, or rehabilitation for [alcohol and
4 drug abusers] **INDIVIDUALS WITH A SUBSTANCE USE DISORDER**; and

5 (2) Adopt regulations[:

6 (i) To set] **SETTING** standards for treatment, care, and
7 rehabilitation of [alcohol and drug abusers; and

8 (ii) To ensure that before a facility is certified under this title to
9 provide treatment, care, or rehabilitation of alcohol or drug abusers, an opportunity to
10 comment, concerning whether the facility meets certification requirements, is provided
11 to representatives of the county government and, if in a municipal corporation, the
12 municipal government and to private citizens in the community where the facility is
13 proposed to be located] **INDIVIDUALS WITH A SUBSTANCE USE DISORDER**.

14 (b) The [Administration] **SECRETARY** may establish and operate or identify
15 [facilities] **PROGRAMS** and services, including evaluation [facilities] **SERVICES** to
16 determine if [an individual is a drug abuser or alcohol abuser or dependent on drugs
17 or alcohol] **AN INDIVIDUAL HAS A SUBSTANCE USE DISORDER**.

18 (c) A facility that the Administration operates or contracts to be operated is
19 a health facility and is not, for any purpose, a correctional institution.

20 (d) ~~An individual may not be discriminated against based on an inability to~~
21 ~~pay for any services provided by the Administration either directly or by contract.~~

22 ~~(e)~~ To carry out the purposes of this title, the [Administration] **SECRETARY**
23 may contract with any appropriate public or private agency that has proper and
24 adequate [treatment facilities, services, and staff] **SUBSTANCE USE DISORDER**
25 **PROGRAMS**.

26 ~~(E)~~ **(E)** (1) The Administration annually shall evaluate all publicly funded
27 substance [abuse] **USE DISORDER** treatment programs [certified] **LICENSED** under
28 this subtitle using federal outcomes measures or other subsequently adopted federal
29 standards ~~to determine the extent [that] **TO WHICH** individuals who have received~~
30 ~~treatment under these programs have:~~

31 ~~(i) Been successfully retained in the treatment program;~~

32 ~~(ii) Been successfully discharged from the treatment program;~~

- 1 ~~(iii) Reduced substance use;~~
 2 ~~(iv) Successfully attained, maintained, or increased their~~
 3 ~~employment;~~
 4 ~~(v) Demonstrated a decrease in engaging in criminal activity;~~
 5 ~~and~~
 6 ~~(vi) Successfully established or maintained stable living~~
 7 ~~arrangements.~~

8 (2) The [Administration] **SECRETARY** shall adopt regulations
 9 necessary to allow [it] **THE SECRETARY DIRECTOR** to conduct the performance and
 10 outcome research required under paragraph (1) of this subsection.

11 8-403.

12 [(a) In this section, “alcohol abuse and drug abuse treatment program”:

13 (1) Means any individual or organization that provides treatment,
 14 care, or rehabilitation for individuals who show the effects of drug abuse or alcohol
 15 abuse, and represents or advertises itself as an alcohol abuse or drug abuse treatment
 16 program; and

17 (2) Includes a program or facility that is owned or operated by this
 18 State or any of its political subdivisions.]

19 **(A) (1) IN THIS SECTION, “SUBSTANCE USE DISORDER PROGRAM”**
 20 **MEANS A SET OF SERVICES THAT ARE COMMUNITY BASED AND CONSIST OF:**

21 **(I) ANY COMBINATION OF TREATMENT, CARE, OR**
 22 **REHABILITATION FOR INDIVIDUALS WITH A SUBSTANCE USE DISORDER; OR**

23 **(II) EDUCATION FOR INDIVIDUALS KNOWN TO BE AT RISK**
 24 **OF DEVELOPING A SUBSTANCE USE DISORDER.**

25 **(2) “SUBSTANCE USE DISORDER PROGRAM” INCLUDES A SET OF**
 26 **SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHEN**
 27 **PROVIDED BY A PROGRAM OR FACILITY OWNED OR OPERATED BY THE STATE OR**
 28 **ANY OF ITS POLITICAL SUBDIVISIONS.**

29 (b) Except as otherwise provided in this section, [an alcohol abuse and drug
 30 abuse treatment program] **A SUBSTANCE USE DISORDER PROGRAM** shall be
 31 [certified] **LICENSED** by the [Department] **SECRETARY** before program services may
 32 be provided in this State.

1 (c) [This section does not apply to] ~~THE FOLLOWING PERSONS NEED NOT~~
2 ~~BE LICENSED~~ THE SECRETARY MAY NOT REQUIRE THAT THE FOLLOWING
3 PERSONS OBTAIN A LICENSE UNDER THIS SECTION IN ORDER TO PROVIDE
4 SUBSTANCE USE DISORDER SERVICES IN THE STATE:

5 (1) A health professional, **IN EITHER SOLO OR GROUP PRACTICE,**
6 **WHO IS** licensed under the Health Occupations Article [who is treating patients
7 within the scope of the professional's practice and who does not advertise the practice
8 as an alcohol abuse or drug abuse program] **AND WHO IS PROVIDING SUBSTANCE**
9 **USE DISORDER SERVICES ACCORDING TO THE REQUIREMENTS OF THE**
10 **APPROPRIATE PROFESSIONAL BOARD;**

11 (2) Alcoholics Anonymous, Narcotics Anonymous, [transitional]
12 **RECOVERY** housing programs, or other similar organizations, if the organization
13 holds meetings or provides support services to help individuals who show the effects of
14 [drug abuse or alcohol abuse] **A SUBSTANCE USE DISORDER AND DOES NOT**
15 **PROVIDE ANY TYPE OF SUBSTANCE USE DISORDER TREATMENT; [or]**

16 (3) An employees' assistance program of a business entity; **OR**

17 (4) **SERVICES PROVIDED IN REGULATED SPACE IN A HOSPITAL,**
18 **AS DEFINED IN § 19-301 OF THIS ARTICLE, IN AN OUTPATIENT SETTING TO**
19 **TREAT A SUBSTANCE USE DISORDER IF THE HOSPITAL IS ACCREDITED BY ~~THE~~**
20 **~~JOINT COMMISSION~~ AN APPROVED ACCREDITATION ORGANIZATION UNDER ITS**
21 **BEHAVIORAL HEALTH STANDARDS.**

22 [(d) Unless requested, the certification requirements of this section do not
23 apply to a hospital as defined in § 19-301 of this article accredited by the Joint
24 Commission on Accreditation of Hospitals with a separately accredited alcohol and
25 drug abuse program.

26 (e) An intermediate care facility, alcoholic (type C or D), shall be certified as
27 an intermediate care alcohol abuse and drug abuse treatment facility.]

28 8-404.

29 [(a) The Department shall adopt regulations for establishing, operating, and
30 certifying alcohol abuse and drug abuse treatment programs that include:

31 (1) Procedures for consulting with the Administration to set standards
32 relating to alcohol abuse and drug abuse treatment care and rehabilitation services;

33 (2) Standards relating to environmental and safety requirements
34 concerning physical plant, equipment, and structure;

1 (3) Standards relating to programmatic operations of alcohol and drug
2 abuse treatment, care, and rehabilitation services; and

3 (4) Provisions for denials, suspensions, and revocations of certification.

4 (b) The Department may adopt regulations for certifying individuals
5 providing alcohol abuse and drug abuse treatment.

6 (c) An applicant for certification shall submit an application to the
7 Department on the form that the Department requires.

8 (d) The Department shall issue a certificate to an individual or organization
9 providing alcohol abuse and drug abuse treatment, care, and rehabilitation services
10 that meets the Department's certification requirements.

11 (e) Before the Department disapproves an application, the Department shall
12 give the applicant an opportunity for a hearing.]

13 **(A) (1) THE SECRETARY SHALL ADOPT REGULATIONS FOR**
14 **ESTABLISHING, OPERATING, AND LICENSING A SUBSTANCE USE DISORDER**
15 **PROGRAM.**

16 **(2) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL**
17 **INCLUDE:**

18 **(I) THE REQUIREMENTS FOR LICENSURE OF A SUBSTANCE**
19 **USE DISORDER PROGRAM;**

20 **(II) THE PROCESS FOR A SUBSTANCE USE DISORDER**
21 **PROGRAM TO APPLY FOR A LICENSE;**

22 **(III) A DESCRIPTION OF THE SUBSTANCE USE DISORDER**
23 **PROGRAMS THAT ARE REQUIRED TO BE LICENSED;**

24 **(IV) ANY REQUIREMENTS FOR THE GOVERNANCE OF A**
25 **SUBSTANCE USE DISORDER PROGRAM, INCLUDING A PROVISION PROHIBITING A**
26 **CONFLICT OF INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND**
27 **THOSE OF THE INDIVIDUALS RECEIVING SERVICES;**

28 **(V) PROVISIONS FOR ~~ANNOUNCED OR UNANNOUNCED~~**
29 **INSPECTIONS OF A SUBSTANCE USE DISORDER PROGRAM, INCLUDING**
30 **INSPECTION AND COPYING OF THE RECORDS OF A SUBSTANCE USE DISORDER**
31 **PROGRAM IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND**

1 (b) “Administration” means the [Mental Hygiene] **BEHAVIORAL HEALTH**
2 Administration.

3 (d) “Director” means the Director of [Mental Hygiene] **THE BEHAVIORAL**
4 **HEALTH** Administration.

5 10–901.

6 [(a) (1) The Secretary shall adopt rules and regulations that set standards
7 for:

8 (i) Eligibility for State funding of local mental health programs
9 under Part I of this subtitle;

10 (ii) Qualifications of staff and quality of professional services of
11 eligible programs;

12 (iii) Eligibility for receiving services under eligible programs;
13 and

14 (iv) Accreditation of a facility as defined in § 10–101(e) of this
15 title.

16 (2) The Secretary may consider accreditation by the Joint Commission
17 on Accreditation of Healthcare Organizations (JCAHO) or the Commission on
18 Accreditation of Rehabilitation Facilities (CARF), whichever is appropriate, as
19 meeting the rules and regulations adopted under this subtitle.

20 (3) The rules and regulations shall ensure:

21 (i) That an individual is not discriminated against based on an
22 inability to pay for services; and

23 (ii) That an individual is not discriminated against or denied
24 community–based mental health services based on the individual’s lack of a fixed
25 address or because the individual is homeless.

26 (4) The rules and regulations shall require that, prior to approval for
27 receipt of State funding under Part I of this subtitle, a nonprofit organization or
28 private community–based organization shall submit the following to the Department:

29 (i) A written list of the names of the members of the board of
30 directors and corporate officers of the organization;

1 (ii) A business plan that clearly demonstrates the ability of the
2 organization to provide services in accordance with Maryland regulations and funding
3 requirements;

4 (iii) A summary of the organization's demonstrated experience in
5 the field of mental health, in accordance with standards developed by the Department;

6 (iv) Prior licensing reports issued within the previous 10 years
7 from any in-State or out-of-state entities associated with the organization, including
8 deficiency reports and compliance records on which the State may make reasoned
9 decisions about the qualifications of the organization; and

10 (v) A written quality assurance plan, approved by the Mental
11 Hygiene Administration, to address how the organization will ensure the health and
12 safety of the individuals served by the organization and the quality of services
13 provided to individuals by the organization.

14 (5) In order for a nonprofit organization or private community-based
15 organization to be eligible to receive funds under Part I of this subtitle:

16 (i) An immediate family member of an employee of an
17 organization may not serve as a voting member of the governing body of the
18 organization; and

19 (ii) A member of the governing body of the organization may not
20 have served as a member of a governing body of an organization that has had a license
21 revoked by the Department within the previous 10 years.

22 (6) Before determining that a nonprofit organization or private
23 community-based organization is eligible to receive funds under Part I of this subtitle,
24 the Department shall perform an on-site investigation of the organization.]

25 (A) IN THIS SECTION, "MENTAL HEALTH PROGRAM" MEANS A SET OF
26 SERVICES THAT CONSISTS OF COMMUNITY-BASED TREATMENT, CARE, OR
27 REHABILITATION SERVICES, OR ANY COMBINATION OF THESE, FOR
28 INDIVIDUALS WITH A MENTAL DISORDER.

29 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A MENTAL
30 HEALTH PROGRAM SHALL BE LICENSED BY THE SECRETARY BEFORE PROGRAM
31 SERVICES MAY BE PROVIDED IN THE STATE.

32 (C) ~~THE FOLLOWING PERSONS NEED NOT BE LICENSED~~ THE
33 SECRETARY MAY NOT REQUIRE THAT THE FOLLOWING PERSONS OBTAIN A
34 LICENSE UNDER THIS SECTION IN ORDER TO PROVIDE MENTAL HEALTH
35 SERVICES IN THE STATE:

1 (1) A HEALTH PROFESSIONAL, IN EITHER SOLO OR GROUP
2 PRACTICE, WHO IS LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE AND
3 WHO IS PROVIDING MENTAL HEALTH SERVICES ACCORDING TO THE
4 REQUIREMENTS OF THE APPROPRIATE PROFESSIONAL BOARD;

5 (2) OUTPATIENT MENTAL HEALTH SERVICES THAT ARE
6 PROVIDED IN REGULATED SPACE IN A HOSPITAL, AS DEFINED UNDER § 19-301
7 OF THIS ARTICLE IF THE HOSPITAL IS ACCREDITED BY ~~THE JOINT COMMISSION~~
8 ~~UNDER THE~~ AN APPROVED ACCREDITATION ORGANIZATION UNDER ITS
9 BEHAVIORAL HEALTH STANDARDS ~~OF THE JOINT COMMISSION~~; OR

10 (3) A THERAPEUTIC GROUP HOME AS DEFINED UNDER § 10-920
11 OF THIS SUBTITLE.

12 (D) (1) THE SECRETARY SHALL ADOPT REGULATIONS FOR:

13 (I) ESTABLISHING, OPERATING, AND LICENSING A MENTAL
14 HEALTH PROGRAM; AND

15 (II) ELIGIBILITY FOR STATE AND FEDERAL FUNDING FOR
16 MENTAL HEALTH PROGRAMS UNDER PART I OF THIS SUBTITLE.

17 (2) THE SECRETARY MAY REQUIRE A MENTAL HEALTH PROGRAM
18 TO BE GRANTED ACCREDITATION BY AN ACCREDITATION ORGANIZATION
19 APPROVED BY THE SECRETARY UNDER TITLE 19, SUBTITLE 23 OF THIS
20 ARTICLE AS A CONDITION OF LICENSURE UNDER REGULATIONS ADOPTED
21 UNDER THIS SUBSECTION.

22 (3) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL
23 INCLUDE:

24 (I) THE REQUIREMENTS FOR LICENSURE OF A MENTAL
25 HEALTH PROGRAM;

26 (II) THE PROCESS FOR A MENTAL HEALTH PROGRAM TO
27 APPLY FOR A LICENSE;

28 (III) A DESCRIPTION OF THE MENTAL HEALTH PROGRAMS
29 THAT ARE REQUIRED TO BE LICENSED;

30 (IV) ANY REQUIREMENTS FOR THE GOVERNANCE OF A
31 MENTAL HEALTH PROGRAM, INCLUDING A PROVISION PROHIBITING A
32 CONFLICT OF INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND
33 THOSE OF THE INDIVIDUALS RECEIVING SERVICES;

1 **(V) PROVISIONS FOR ~~ANNOUNCED OR UNANNOUNCED~~**
 2 **INSPECTIONS OF A MENTAL HEALTH PROGRAM, INCLUDING INSPECTION AND**
 3 **COPYING OF THE RECORDS OF A MENTAL HEALTH PROGRAM IN ACCORDANCE**
 4 **WITH STATE AND FEDERAL LAW; AND**

5 **(VI) PROVISIONS FOR DENIALS, SUSPENSIONS, AND**
 6 **REVOICATIONS OF LICENSES, INCLUDING NOTICE AND AN OPPORTUNITY TO BE**
 7 **HEARD.**

8 **[(b)] (E)** The Secretary shall:

9 (1) Through the regional mental health director, provide a county with
 10 consultative staff services to help ascertain local needs and plan and establish local
 11 mental health programs;

12 (2) Review and evaluate local programs and personnel practices;

13 (3) Make recommendations to the governing body, health officer of a
 14 county, and the director of the Montgomery County Department of Health and Human
 15 Services on the local program and personnel practices; **AND**

16 (4) Review and either approve or disapprove the plans and budgets
 17 that a county governing body submits for State funding under Part I of this subtitle[;
 18 and].

19 **[(5)] (F)** **[Exercise] THE SECRETARY MAY EXERCISE** any other
 20 power or duty required to carry out Part I of this subtitle.

21 19–2301.

22 (d) “Health care facility” means:

23 (1) A hospital as defined in § 19–301 of this title;

24 (2) A health maintenance organization as defined in § 19–701(g) of
 25 this title;

26 (3) A freestanding ambulatory care facility as defined in § 19–3B–01 of
 27 this title;

28 (4) An assisted living facility as defined in § 19–1801 of this title;

29 (5) A laboratory as defined in § 17–201 of this article;

30 (6) A home health agency as defined in § 19–401 of this title;

1 8–406.

2 (a) Each local care team shall include:

3 (1) at least one representative from:

4 (i) the Department of Juvenile Services;

5 (ii) the Developmental Disabilities Administration;

6 (iii) [the Alcohol and Drug Abuse Administration;

7 (iv) the Mental Hygiene Administration or the local core service
8 agency] **THE BEHAVIORAL HEALTH ADMINISTRATION;**

9 **(IV) IF DETERMINED TO BE APPROPRIATE BY THE**
10 **BEHAVIORAL HEALTH ADMINISTRATION, THE LOCAL CORE SERVICE AGENCY;**

11 (v) the local school system;

12 (vi) the local health department;

13 (vii) the local department of social services; and

14 (viii) the local management board;

15 (2) a parent, parent advocate, or both, appointed by the chair of the
16 local care team in consultation with the child advocacy community; and

17 (3) a nonvoting representative of the local office of the division of
18 rehabilitative services to represent individuals who are 16 years old and older.

19 **Article – Public Safety**

20 1–401.

21 (b) The Board consists of the following members:

22 (7) the [Executive] Director of the [Mental Hygiene Administration]
23 **BEHAVIORAL HEALTH ADMINISTRATION** of the Department of Health and Mental
24 Hygiene, or the [Executive] Director's designee;

25 **Article – State Finance and Procurement**

26 10–309.

1 (a) In this section, “State facility” means:

2 (1) a facility maintained by the [Mental Hygiene Administration]
3 **BEHAVIORAL HEALTH ADMINISTRATION** of the Department of Health and Mental
4 Hygiene and listed in § 10–406 of the Health – General Article; or

5 (2) a State residential center for individuals with an intellectual
6 disability in the Developmental Disabilities Administration of the Department of
7 Health and Mental Hygiene.

8 (b) A cemetery owned by the State and located on the grounds of a State
9 facility may not be sold by the State if the State facility is downsized, consolidated,
10 closed, or sold.

11 (c) A cemetery owned by the State shall be maintained by the State and
12 marked with a monument commemorating the individuals interred in the cemetery.

13 (d) Any easement or right of entry to a cemetery owned by the State and
14 located on the grounds of a State facility that has been recorded among the land
15 records of the county where the cemetery is located on or before October 1, 2004 may
16 not be transferred or sold.

17 (e) Notwithstanding subsections (b) and (d) of this section, a cemetery or an
18 easement or right of entry to a cemetery owned by the State and located on the
19 grounds of a State facility may be sold by the State if the deed for the property
20 includes a restrictive covenant requiring the owner and any future owner to maintain
21 the cemetery as provided under subsection (c) of this section.

22 Article – State Government

23 9–2802.

24 (a) (2) The Council consists of the following nonvoting members:

25 (i) the Director of the [Alcohol and Drug Abuse Administration
26 of the Department of Health and Mental Hygiene;

27 (ii) the Director of Mental Hygiene of the Department of Health
28 and Mental Hygiene] **BEHAVIORAL HEALTH ADMINISTRATION**;

29 [(iii)] **(II)** a representative of the Department of Public Safety
30 and Correctional Services, designated by the Secretary of Public Safety and
31 Correctional Services;

32 [(iv)] **(III)** a deputy Secretary of the Department of Public Safety
33 and Correctional Services; and

1 (c) On or before December 1, 2014, the Department of Health and Mental
 2 Hygiene shall report the findings and recommendations of the workgroup to the
 3 Governor and, in accordance with § 2-1246 of the State Government Article, the
 4 General Assembly.

5 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
 6 effect July 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.