

# HOUSE BILL 1510

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

Introduced and read first time: February 27, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

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; authorizing the Secretary to require a  
11 substance use disorder program or a mental health program to be granted  
12 certain accreditation as a condition of licensure; repealing the position, powers,  
13 and duties of the Director of the Alcohol and Drug Abuse Administration;  
14 repealing the position, powers, and duties of the Director of Mental Hygiene;  
15 adding and altering certain defined terms; making conforming and stylistic  
16 changes; and generally relating to behavioral health care and the Behavioral  
17 Health Administration in the Department of Health and Mental Hygiene.

18 BY repealing and reenacting, with amendments,  
19 Article – Correctional Services  
20 Section 9–603(b)  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2013 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Criminal Law  
25 Section 5–502  
26 Annotated Code of Maryland  
27 (2012 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,  
2 Article – Criminal Procedure  
3 Section 6–229(c)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2013 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article – Education  
8 Section 2–303(h)(1), 8–412(a)(7), and 21–305(c)  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2013 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 2–106(a), 2–501(f), 2–601(m), 4–307(a)(3) and (4), 5–703(a)(12), 5–803,  
14 5–804(f)(1), 5–805(a)(1), 5–808(b)(1), 7–403(d), and 7–802; 8–101(b),  
15 8–402, 8–403, 8–404, 8–503, and 8–702 to be under the amended title  
16 “Title 8. Substance Use Disorders”; 10–101(b) and (d) and 10–901 to be  
17 under the amended title “Title 10. Mental Health Law”; and 19–2301(d)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2013 Supplement)
- 20 BY adding to  
21 Article – Health – General  
22 Section 7.5–101 through 7.5–204, to be under the new title “Title 7.5.  
23 Behavioral Health Administration”; and 8–101(m)  
24 Annotated Code of Maryland  
25 (2009 Replacement Volume and 2013 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – Health Occupations  
28 Section 20–101(b) and 20–202(a)  
29 Annotated Code of Maryland  
30 (2009 Replacement Volume and 2013 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – Human Services  
33 Section 5–314(h) and 8–406(a)  
34 Annotated Code of Maryland  
35 (2007 Volume and 2013 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Public Safety  
38 Section 1–401(b)(7)  
39 Annotated Code of Maryland  
40 (2011 Replacement Volume and 2013 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article – State Finance and Procurement  
3 Section 10–309  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – State Government  
8 Section 9–2802(a)(2) and 9–2806  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 16–212(f)(1) and 16–212.1(a)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2013 Supplement)

16 BY repealing  
17 Article – Health – General  
18 Section 8–201 through 8–204, 8–405, and 10–201 through 10–204  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2013 Supplement)

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

23 **Article – Correctional Services**

24 9–603.

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

29 **Article – Criminal Law**

30 5–502.

31 An authorized provider may not dispense methadone, directly or by  
32 prescription, unless:

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



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

5 (i) The Department of Juvenile Services;

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

9 (iii) The Department of Public Safety and Correctional Services;

10 or

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

13 8-412.

14 (a) (7) "Public agency" includes the State Department of Education, local  
15 education agencies, and other agencies that are responsible for providing education to  
16 a child with a disability, including the Department of Health and Mental Hygiene,  
17 [Mental Hygiene Administration] **THE BEHAVIORAL HEALTH ADMINISTRATION**,  
18 the Developmental Disabilities Administration, the Department of Juvenile Services,  
19 and the Maryland School for the Deaf. For the purpose of this section the Maryland  
20 School for the Blind shall be considered a public agency.

21 21-305.

22 (c) (1) Each county board shall transmit to the Department information  
23 relating to the postsecondary anticipated services of the county's transitioning  
24 students. The information shall be reported in the manner required by the  
25 Department.

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

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

30 (ii) The Developmental Disabilities Administration of the  
31 Department of Health and Mental Hygiene; and

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

34 (3) The information under this section shall include, for each

1 transitioning student:

- 2 (i) The student's current age;
- 3 (ii) The projected year of exit of the student from school;
- 4 (iii) Anticipated needs of the student;
- 5 (iv) The student's county of residence; and
- 6 (v) Any other information that the Department considers  
7 appropriate.

### 8 Article – Health – General

9 2–106.

- 10 (a) The following units are in the Department:
  - 11 (1) [Alcohol and Drug Abuse Administration.
  - 12 (2)] Anatomy Board.
  - 13 **(2) BEHAVIORAL HEALTH ADMINISTRATION.**
  - 14 (3) Developmental Disabilities Administration.
  - 15 (4) Health Services Cost Review Commission.
  - 16 (5) Maryland Psychiatric Research Center.
  - 17 (6) [Mental Hygiene Administration.
  - 18 (7)] Postmortem Examiners Commission.
  - 19 **[(8) (7) Board of Examiners for Audiologists.**
  - 20 **[(9) (8) Board of Chiropractic Examiners.**
  - 21 **[(10) (9) Board of Dental Examiners.**
  - 22 **[(11) (10) Board of Dietetic Practice.**
  - 23 **[(12) (11) Board of Electrologists.**
  - 24 **[(13) (12) Board of Morticians.**

- 1           [(14)] **(13)** Board of Nursing.
- 2           [(15)] **(14)** Board of Examiners of Nursing Home Administrators.
- 3           [(16)] **(15)** Board of Occupational Therapy Practice.
- 4           [(17)] **(16)** Board of Examiners in Optometry.
- 5           [(18)] **(17)** Board of Pharmacy.
- 6           [(19)] **(18)** Board of Physical Therapy Examiners.
- 7           [(20)] **(19)** Board of Physicians.
- 8           [(21)] **(20)** Board of Podiatry Examiners.
- 9           [(22)] **(21)** Board of Professional Counselors and Therapists.
- 10          [(23)] **(22)** Board of Examiners of Psychologists.
- 11          [(24)] **(23)** Board of Social Work Examiners.
- 12          [(25)] **(24)** Board of Examiners for Speech–Language Pathologists.
- 13          [(26)] **(25)** Commission on Physical Fitness.
- 14          [(27)] **(26)** Advisory Council on Infant Mortality.

15   2–501.

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

23   2–601.

24           (m) “State health program” means the Medical Assistance Program, the  
 25 Cigarette Restitution Fund Program, [the Mental Hygiene Administration,] the  
 26 Developmental Disabilities Administration, the [Alcohol and Drug Abuse  
 27 Administration, the Family Health Administration, the Infectious Disease and

1 Environmental Health Administration] **BEHAVIORAL HEALTH ADMINISTRATION,**  
2 **THE PREVENTION AND HEALTH PROMOTION ADMINISTRATION,** or any other unit  
3 of the Department that pays a provider for a service rendered or claimed to have been  
4 rendered to a recipient.

5 4–307.

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

10 (4) “Director” means the Director of the [Mental Hygiene  
11 Administration] **BEHAVIORAL HEALTH ADMINISTRATION** or the designee of the  
12 Director.

13 5–703.

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

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

18 5–803.

19 The Committee shall:

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

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

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

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

27 (2) Review aggregate incident data regarding facilities or programs  
28 that are licensed or operated by the Developmental Disabilities Administration or  
29 operating by waiver under § 7–903(b) of this article;

30 (3) Identify patterns and systemic problems and ensure consistency in  
31 the review process; and



1           (4)    Make recommendations to the Secretary and the Secretary of  
2 Disabilities to prevent avoidable injuries and avoidable deaths and improve quality of  
3 care.

4   5–804.

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

8   5–805.

9           (a)    (1)    Except as provided in paragraph (3) of this subsection, the Office of  
10 Health Care Quality shall review each death of an individual with developmental  
11 disabilities or with a mental illness who, at the time of death, resided in or was  
12 receiving services from any program or facility licensed or operated by the  
13 Developmental Disabilities Administration or operating by waiver under § 7–903(b) of  
14 this article, or any program approved, licensed, or operated by the [Mental Hygiene  
15 Administration] **DEPARTMENT** under § 10–406, § 10–901, or § 10–902 of this article.

16   5–808.

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

23   7–403.

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

27   7–802.

28           (a)    The Developmental Disabilities Administration may ask the [Mental  
29 Hygiene Administration] **BEHAVIORAL HEALTH ADMINISTRATION** to accept  
30 primary responsibility for an individual in or eligible for admission to a State  
31 residential center, if the Developmental Disabilities Administration finds that the  
32 individual would be provided for more appropriately in a program for individuals with  
33 mental disorders.

34           (b)    The [Mental Hygiene Administration] **BEHAVIORAL HEALTH**  
35 **ADMINISTRATION** shall determine whether transfer to a mental health program is

1 appropriate.

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

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

9 **TITLE 7.5. BEHAVIORAL HEALTH ADMINISTRATION.**

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

11 **7.5-101.**

12 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) "ADMINISTRATION" MEANS THE BEHAVIORAL HEALTH  
15 ADMINISTRATION.

16 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE ADMINISTRATION.

17 **7.5-102.**

18 IT IS THE POLICY OF THE STATE TO ENCOURAGE THE INTEGRATION OF  
19 BEHAVIORAL HEALTH CARE BY MERGING THE ALCOHOL AND DRUG ABUSE  
20 ADMINISTRATION WITH THE MENTAL HEALTH ADMINISTRATION, AND  
21 MANAGING ALL MEDICAID-FUNDED SERVICES UNDER ONE ADMINISTRATIVE  
22 SERVICES ORGANIZATION.

23 **SUBTITLE 2. BEHAVIORAL HEALTH ADMINISTRATION.**

24 **7.5-201.**

25 THERE IS A BEHAVIORAL HEALTH ADMINISTRATION IN THE  
26 DEPARTMENT.

27 **7.5-202.**

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

1           **(B) THE DIRECTOR SERVES AT THE PLEASURE OF THE SECRETARY.**

2           **(C) THE DIRECTOR SHALL:**

3                   **(1) HAVE AT LEAST:**

4                           **(I) A BACCALAUREATE DEGREE; AND**

5                           **(II) EXPERIENCE IN HEALTH ADMINISTRATION; AND**

6                           **(2) BE KNOWLEDGEABLE ABOUT THE FUNCTIONS AND PROGRAMS**  
7 **OF THE ADMINISTRATION.**

8           **(D) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE**  
9 **STATE BUDGET.**

10 **7.5-203.**

11           **(A) (1) THE DIRECTOR EXERCISES THE POWERS, DUTIES, AND**  
12 **RESPONSIBILITIES OF OFFICE SUBJECT TO THE AUTHORITY OF THE**  
13 **SECRETARY.**

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

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

18 **7.5-204.**

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

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

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

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

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

6           **(4) REMOVE AN ASSISTANT DIRECTOR FOR INCOMPETENCE OR**  
7 **MISCONDUCT; AND**

8           **(5) UNLESS EXPRESSLY PROVIDED OTHERWISE BY LAW, ASSIGN**  
9 **TO ANY SUBORDINATE UNIT OR INDIVIDUAL IN THE ADMINISTRATION ANY**  
10 **FUNCTION THAT IS IMPOSED BY LAW ON THE DIRECTOR.**

11           **(C) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**  
12 **THE DIRECTOR SHALL:**

13           **(1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**  
14 **THIS TITLE, INCLUDING PROVISIONS SETTING REASONABLE FEES FOR THE**  
15 **ISSUANCE AND RENEWAL OF LICENSURE FOR THOSE PROGRAMS LICENSED TO**  
16 **PERFORM MEDICATION-ASSISTED TREATMENT; AND**

17           **(2) DO ANYTHING NECESSARY OR PROPER TO CARRY OUT THE**  
18 **SCOPE OF THIS TITLE.**

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

21           **(E) THE DIRECTOR SHALL PROVIDE FACILITIES FOR THE CARE AND**  
22 **TREATMENT OF INDIVIDUALS WHO HAVE MENTAL DISORDERS.**

23           **(F) (1) THE DIRECTOR SHALL ESTABLISH PROGRAMS FOR RESEARCH**  
24 **AND DEVELOPMENT OF CARE AND TREATMENT FOR INDIVIDUALS WHO HAVE**  
25 **MENTAL DISORDERS.**

26           **(2) THE DIRECTOR MAY PROVIDE MONEY FOR A PUBLIC OR**  
27 **NONPROFIT ORGANIZATION TO CARRY OUT PILOT OR DEMONSTRATION**  
28 **PROJECTS REGARDING INDIVIDUALS WHO HAVE MENTAL DISORDERS.**

29           **Title 8. [Alcohol and Drug Abuse Administration] SUBSTANCE USE DISORDERS.**

30           8-101.

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

3 (M) "**SUBSTANCE USE DISORDER**" MEANS ALCOHOL ABUSE, ALCOHOL  
4 **DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE, DRUG**  
5 **MISUSE, OR ANY COMBINATION OF THESE.**

6 8-402.

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

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

11 (2) Adopt regulations[:

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

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

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

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

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

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

32 (f) (1) The Administration annually shall evaluate all publicly funded  
33 substance [abuse] **USE DISORDER** treatment programs [certified] **LICENSED** under

1 this subtitle using federal outcomes measures or other subsequently adopted federal  
2 standards to determine the extent [that] **TO WHICH** individuals who have received  
3 treatment under these programs have:

4 (i) Been successfully retained in the treatment program;

5 (ii) Been successfully discharged from the treatment program;

6 (iii) Reduced substance use;

7 (iv) Successfully attained, maintained, or increased their  
8 employment;

9 (v) Demonstrated a decrease in engaging in criminal activity;  
10 and

11 (vi) Successfully established or maintained stable living  
12 arrangements.

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

16 8–403.

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

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

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

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

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

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

30 **(2) “SUBSTANCE USE DISORDER PROGRAM” INCLUDES A SET OF**  
31 **SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHEN**

1 **PROVIDED BY A PROGRAM OR FACILITY OWNED OR OPERATED BY THE STATE OR**  
2 **ANY OF ITS POLITICAL SUBDIVISIONS.**

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

7 (c) [This section does not apply to] **THE FOLLOWING PERSONS NEED NOT**  
8 **BE LICENSED UNDER THIS SECTION TO PROVIDE SUBSTANCE USE DISORDER**  
9 **SERVICES IN THE STATE:**

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

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

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

22 (4) **SERVICES PROVIDED IN A HOSPITAL, AS DEFINED IN § 19-301**  
23 **OF THIS ARTICLE, IN AN OUTPATIENT SETTING TO TREAT A SUBSTANCE USE**  
24 **DISORDER IF THE HOSPITAL IS ACCREDITED BY THE JOINT COMMISSION**  
25 **UNDER ITS BEHAVIORAL HEALTH STANDARDS.**

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

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

32 8-404.

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

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

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

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

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

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

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

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

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

17 **(A) (1) THE SECRETARY SHALL ADOPT REGULATIONS FOR**  
18 **ESTABLISHING, OPERATING, AND LICENSING A SUBSTANCE USE DISORDER**  
19 **PROGRAM.**

20 **(2) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL**  
21 **INCLUDE:**

22 **(I) THE REQUIREMENTS FOR LICENSURE OF A SUBSTANCE**  
23 **USE DISORDER PROGRAM;**

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

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

28 **(IV) ANY REQUIREMENTS FOR THE GOVERNANCE OF A**  
29 **SUBSTANCE USE DISORDER PROGRAM, INCLUDING A PROVISION PROHIBITING A**  
30 **CONFLICT OF INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND**  
31 **THOSE OF THE INDIVIDUALS RECEIVING SERVICES;**



1                   **(V) PROVISIONS FOR ANNOUNCED OR UNANNOUNCED**  
2 **INSPECTIONS OF A SUBSTANCE USE DISORDER PROGRAM, INCLUDING**  
3 **INSPECTION AND COPYING OF THE RECORDS OF A SUBSTANCE USE DISORDER**  
4 **PROGRAM; AND**

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

8           **(B) THE SECRETARY MAY REQUIRE A SUBSTANCE USE DISORDER**  
9 **PROGRAM TO BE GRANTED ACCREDITATION BY AN ACCREDITATION**  
10 **ORGANIZATION APPROVED BY THE SECRETARY UNDER TITLE 19, SUBTITLE 23**  
11 **OF THIS ARTICLE AS A CONDITION OF LICENSURE UNDER REGULATIONS**  
12 **ADOPTED UNDER THIS SECTION.**

13           **[(f)] (C)** Except as otherwise provided in this subtitle, [an individual or  
14 organization] **A PERSON** may not operate [or], attempt to operate [an alcohol abuse  
15 and drug abuse treatment program], **OR PURPORT TO OPERATE A SUBSTANCE USE**  
16 **DISORDER PROGRAM** in the State unless [certified] **THE PROGRAM IS LICENSED** by  
17 the [Department] **SECRETARY.**

18           **[(g)]** An individual or organization who operates an alcohol abuse and drug  
19 abuse treatment program in violation of this title is guilty of a misdemeanor.]

20 8–503.

21           (a) If, after the police arrest an intoxicated individual for a criminal offense,  
22 the individual seems to require emergency medical treatment, the police immediately  
23 shall take the individual to a detoxification center or other appropriate health care  
24 facility as defined in § 19–114(d) of this article.

25           (b) (1) If necessary, after medical treatment, the police shall transport the  
26 individual to a **PROGRAM THAT PROVIDES** detoxification [facility] **SERVICES.**

27                   (2) The individual may be admitted to the [detoxification facility] **A**  
28 **PROGRAM THAT PROVIDES DETOXIFICATION SERVICES** in accordance with the  
29 provisions of § 8–501(d) of this subtitle.

30 8–702.

31           (a) [An individual or organization may not operate an alcohol abuse and  
32 drug abuse treatment] **A PERSON MAY NOT OPERATE A SUBSTANCE USE**  
33 **DISORDER** program in violation of this title.

34           (b) A person who violates any provision of this section is guilty of a

1 misdemeanor and on conviction is subject to a fine not exceeding \$10,000.

2 Title 10. Mental [Hygiene] **HEALTH** Law.

3 10–101.

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

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

8 10–901.

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

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

13 (ii) Qualifications of staff and quality of professional services of  
14 eligible programs;

15 (iii) Eligibility for receiving services under eligible programs;  
16 and

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

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

23 (3) The rules and regulations shall ensure:

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

26 (ii) That an individual is not discriminated against or denied  
27 community-based mental health services based on the individual’s lack of a fixed  
28 address or because the individual is homeless.

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

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

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

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

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

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

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

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

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

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

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

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

34 **(C) THE FOLLOWING PERSONS NEED NOT BE LICENSED UNDER THIS**  
35 **SECTION TO PROVIDE MENTAL HEALTH 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 A HOSPITAL, AS DEFINED UNDER § 19-301 OF THIS ARTICLE IF**  
7 **THE HOSPITAL IS ACCREDITED BY THE JOINT COMMISSION UNDER THE**  
8 **BEHAVIORAL HEALTH STANDARDS OF THE JOINT COMMISSION; OR**

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

11           **(D) (1) THE SECRETARY SHALL ADOPT REGULATIONS FOR:**

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

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

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

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

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

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

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

29                   **(IV) ANY REQUIREMENTS FOR THE GOVERNANCE OF A**  
30 **MENTAL HEALTH PROGRAM, INCLUDING A PROVISION PROHIBITING A**

1 CONFLICT OF INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND  
2 THOSE OF THE INDIVIDUALS RECEIVING SERVICES;

3 (V) PROVISIONS FOR ANNOUNCED OR UNANNOUNCED  
4 INSPECTIONS OF A MENTAL HEALTH PROGRAM, INCLUDING INSPECTION AND  
5 COPYING OF THE RECORDS OF A MENTAL HEALTH PROGRAM; AND

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

9 [(b)] (E) The Secretary shall:

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

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

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

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

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

22 19–2301.

23 (d) “Health care facility” means:

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

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

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

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

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

- 1 (6) A home health agency as defined in § 19–401 of this title;
- 2 (7) A residential treatment center as defined in § 19–301 of this title;
- 3 (8) A comprehensive rehabilitation facility as defined in § 19–1201 of  
4 this title; [and]
- 5 (9) A forensic laboratory as defined in § 17–2A–01 of this article;
- 6 **(10) A SUBSTANCE USE DISORDER PROGRAM AS DEFINED IN §**  
7 **8–403 OF THIS ARTICLE; AND**
- 8 **(11) A MENTAL HEALTH PROGRAM AS DEFINED IN § 10–901 OF**  
9 **THIS ARTICLE.**

### 10 Article – Health Occupations

11 20–101.

- 12 (b) (1) “Agency” means:
- 13 (i) The Developmental Disabilities Administration in the  
14 Department;
- 15 (ii) The Department;
- 16 (iii) The Department of Human Resources;
- 17 (iv) The Department of Juvenile Services; and
- 18 (v) The [Mental Hygiene Administration] **BEHAVIORAL**  
19 **HEALTH ADMINISTRATION** in the Department.

20 (2) “Agency” includes the State Superintendent of Schools.

21 20–202.

- 22 (a) (1) The Board consists of 12 members.
- 23 (2) Of the 12 Board members:
- 24 (i) Six members shall be appointed as follows:
- 25 1. Two by the Secretary of Health and Mental Hygiene,  
26 one each for the Developmental Disabilities Administration and the [Mental Hygiene  
27 Administration] **BEHAVIORAL HEALTH ADMINISTRATION**;



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

