

## Article - Health - General

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§10–901.

(a) In this section, “mental health program” means a set of services that consists of community–based treatment, care, or rehabilitation services, or any combination of these, for individuals with a mental disorder.

(b) Except as otherwise provided in this section, a mental health program shall be licensed by the Secretary before program services may be provided in the State.

(c) The Secretary may not require that the following persons obtain a license under this section in order to provide mental health services in the State:

(1) A health professional, in either solo or group practice, who is licensed under the Health Occupations Article and who is providing mental health services according to the requirements of the appropriate professional board;

(2) Outpatient mental health services that are provided in regulated space in a hospital, as defined under § 19–301 of this article if the hospital is accredited by an approved accreditation organization under its behavioral health standards; or

(3) A therapeutic group home as defined under § 10–920 of this subtitle.

(d) (1) The Secretary shall adopt regulations for:

(i) Establishing, operating, and licensing a mental health program;

and

(ii) Eligibility for State and federal funding for mental health programs under Part I of this subtitle.

(2) The Secretary may require a mental health program to be granted accreditation by an accreditation organization approved by the Secretary under Title 19, Subtitle 23 of this article as a condition of licensure under regulations adopted under this subsection.

(3) Regulations adopted under this subsection shall include:

(i) The requirements for licensure of a mental health program;

(ii) The process for a mental health program to apply for a license;

(iii) A description of the mental health programs that are required to be licensed;

(iv) Any requirements for the governance of a mental health

program, including a provision prohibiting a conflict of interest between the interests of the provider and those of the individuals receiving services;

(v) Provisions for inspections of a mental health program, including inspection and copying of the records of a mental health program in accordance with State and federal law; and

(vi) Provisions for denials, suspensions, and revocations of licenses, including notice and an opportunity to be heard.

(e) The Secretary shall:

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

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

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

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

(f) The Secretary may exercise any other power or duty required to carry out Part I of this subtitle.

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