

# SENATE BILL 199

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CF HB 1134

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By: **Senator Conway**

Introduced and read first time: February 2, 2015

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health – Opioid Maintenance Programs – Licensing**

3 FOR the purpose of requiring that certain regulations adopted by the Secretary of Health  
4 and Mental Hygiene include a requirement that the process for approval of a license  
5 for an opioid maintenance program include an assessment of the number of existing  
6 slots in opioid maintenance programs in a certain zip code and the number of  
7 individuals in need of certain services in a certain zip code, the severity of  
8 drug-related crime in a certain zip code, the at-risk population of opioid addiction  
9 in a certain zip code, and the need for an opioid maintenance program in a certain  
10 zip code; requiring that certain regulations adopted by the Secretary of Health and  
11 Mental Hygiene include a requirement that the Department of Health and Mental  
12 Hygiene conduct a certain assessment ~~and that an applicant for a license for an~~  
13 ~~opioid maintenance program pay the cost of a certain assessment~~; prohibiting the  
14 Department from using the information obtained from a certain assessment to deny  
15 a certain license; defining a certain term; and generally relating to the licensing of  
16 opioid maintenance programs.

17 BY repealing and reenacting, with amendments,  
18 Article – Health – General  
19 Section 8-404  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2014 Supplement)

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

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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.



1 **Article – Health – General**

2 8–404.

3 **(A) IN THIS SECTION, “OPIOID MAINTENANCE PROGRAM” HAS THE**  
 4 **MEANING STATED IN § 21–2A–01 OF THIS ARTICLE.**

5 **[(a)] (B) (1)** The Secretary shall adopt regulations for establishing, operating,  
 6 and licensing a substance use disorder program.

7 **(2)** Regulations adopted under this subsection shall include:

8 **(i)** The requirements for licensure of a substance use disorder  
 9 program;

10 **(ii)** The process for a substance use disorder program to apply for a  
 11 license;

12 **(III) A REQUIREMENT THAT THE PROCESS FOR APPROVAL OF A**  
 13 **LICENSE FOR AN OPIOID MAINTENANCE PROGRAM INCLUDE AN ASSESSMENT OF:**

14 **1. THE NUMBER OF EXISTING SLOTS IN OPIOID**  
 15 **MAINTENANCE PROGRAMS IN THE ZIP CODE DESIGNATED BY THE UNITED STATES**  
 16 **POST OFFICE OF THE PROPOSED LOCATION FOR THE OPIOID MAINTENANCE**  
 17 **PROGRAM AND THE NUMBER OF INDIVIDUALS IN NEED OF OPIOID MAINTENANCE**  
 18 **PROGRAM SERVICES IN THE ZIP CODE;**

19 **2. THE SEVERITY OF DRUG–RELATED CRIME IN THE ZIP**  
 20 **CODE DESIGNATED BY THE UNITED STATES POST OFFICE OF THE PROPOSED**  
 21 **LOCATION FOR THE OPIOID MAINTENANCE PROGRAM;**

22 **3. THE POPULATION AT RISK OF OPIOID ADDICTION IN**  
 23 **THE ZIP CODE DESIGNATED BY THE UNITED STATES POST OFFICE OF THE**  
 24 **PROPOSED LOCATION FOR THE OPIOID MAINTENANCE PROGRAM; AND**

25 **4. THE NEED FOR AN OPIOID MAINTENANCE PROGRAM**  
 26 **IN THE ZIP CODE DESIGNATED BY THE UNITED STATES POST OFFICE OF THE**  
 27 **PROPOSED LOCATION FOR THE OPIOID MAINTENANCE PROGRAM;**

28 **(IV) A REQUIREMENT THAT:**

29 **~~1.~~ ~~THE~~ THE DEPARTMENT CONDUCT THE ASSESSMENT**  
 30 **SPECIFIED IN ITEM (III) OF THIS PARAGRAPH; ~~AND~~**

~~2. AN APPLICANT FOR A LICENSE FOR AN OPIOID MAINTENANCE PROGRAM PAY THE COST OF THE ASSESSMENT;~~

[(iii)] (V) A description of the substance use disorder programs that are required to be licensed;

[(iv)] (VI) Any requirements for the governance of a substance use disorder program, including a provision prohibiting a conflict of interest between the interests of the provider and those of the individuals receiving services;

[(v)] (VII) Provisions for inspections of a substance use disorder program, including inspection and copying of the records of a substance use disorder program in accordance with State and federal law; and

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

[(b)] (C) The Secretary may require a substance use disorder 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 section.

[(c)] (D) Except as otherwise provided in this subtitle, a person may not operate, attempt to operate, or purport to operate a substance use disorder program in the State unless the program is licensed by the Secretary.

**(E) THE DEPARTMENT MAY NOT USE THE INFORMATION OBTAINED FROM THE ASSESSMENT REQUIRED UNDER SUBSECTION (B)(2)(III) OF THIS SECTION TO DENY A LICENSE UNDER THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.