

HOUSE BILL 1416

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By: **Delegate M. Washington**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

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 a certain catchment
6 area, the number of existing slots in opioid maintenance programs in a certain
7 catchment area and the number of individuals in need of certain services in a certain
8 catchment area, the severity of drug-related crime in a certain catchment area, the
9 at-risk population of opioid addiction in a certain catchment area, the need for an
10 opioid maintenance program in a certain catchment area, and a requirement that
11 the Secretary issue a certain report; altering a certain definition; defining a certain
12 term; requiring the Secretary to adopt a certain regulation increasing a certain fee;
13 making a conforming change; and generally relating to the licensure of opioid
14 maintenance programs.

15 BY repealing and reenacting, without amendments,

16 Article – Health – General
17 Section 7.5–401 and 21–2A–01(a)
18 Annotated Code of Maryland
19 (2015 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Health – General
22 Section 7.5–402 and 21–2A–01(g)
23 Annotated Code of Maryland
24 (2015 Replacement Volume)

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

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7.5-401.

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

4 (b) The Secretary may exempt the following persons from the licensure
5 requirements of this section:

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

10 (2) Alcoholics Anonymous, Narcotics Anonymous, recovery residences,
11 peer support services, family support services, or other similar organizations, if the
12 organization holds meetings or provides support services but does not provide any type of
13 treatment;

14 (3) An employees' assistance program of a business entity;

15 (4) Outpatient behavioral health treatment and rehabilitation services
16 provided in a regulated space in a hospital, as defined in § 19-301 of this article, if the
17 services are accredited by an approved accreditation organization under its behavioral
18 health standards; or

19 (5) A private therapeutic group home as defined in § 10-920 of this article.

20 7.5-402.

21 (a) Regulations adopted under this subtitle shall include:

22 (1) The requirements for licensure of a behavioral health program;

23 (2) The process for a behavioral health program to apply for a license;

24 (3) A description of the behavioral health programs that are required to be
25 licensed;

26 (4) Any requirements for the governance of a behavioral health program,
27 including a provision prohibiting a conflict of interest between the interests of the provider
28 and those of the individual receiving services;

29 (5) Provisions for inspections of a behavioral health program, including
30 inspection and copying of the records of a behavioral health program in accordance with
31 State and federal law; [and]

1 (6) Provisions for denials, sanctions, suspensions, and revocations of
2 licenses, including imposition of civil monetary penalties, and notice and an opportunity to
3 be heard; AND

4 (7) A REQUIREMENT THAT:

5 (i) THE PROCESS FOR APPROVAL OF A LICENSE FOR AN OPIOID
6 MAINTENANCE PROGRAM, AS DEFINED IN § 21-2A-01 OF THIS ARTICLE, INCLUDE
7 AN ASSESSMENT OF:

8 1. AN APPROPRIATE CATCHMENT AREA FOR THE
9 PROPOSED LOCATION OF THE OPIOID MAINTENANCE PROGRAM USING A ZIP CODE,
10 A 1-MILE RADIUS, OR OTHER METRIC AS DETERMINED BY THE SECRETARY;

11 2. THE NUMBER OF EXISTING SLOTS IN OPIOID
12 MAINTENANCE PROGRAMS IN THE CATCHMENT AREA OF THE PROPOSED LOCATION
13 FOR THE OPIOID MAINTENANCE PROGRAM AND THE NUMBER OF INDIVIDUALS IN
14 NEED OF OPIOID MAINTENANCE PROGRAM SERVICES IN THE CATCHMENT AREA;

15 3. THE SEVERITY OF DRUG-RELATED CRIME IN THE
16 CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID MAINTENANCE
17 PROGRAM;

18 4. THE POPULATION AT RISK OF OPIOID ADDICTION IN
19 THE CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID
20 MAINTENANCE PROGRAM; AND

21 5. THE NEED FOR AN OPIOID MAINTENANCE PROGRAM
22 IN THE CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID
23 MAINTENANCE PROGRAM; AND

24 (ii) THE SECRETARY ISSUE A WRITTEN REPORT ON THE
25 ASSESSMENT THAT IS REQUIRED UNDER ITEM (i) OF THIS PARAGRAPH THAT
26 INCLUDES:

27 1. IF A LICENSE IS APPROVED, AN ANALYSIS OF THE
28 SUSTAINABILITY OF THE OPIOID MAINTENANCE PROGRAM; AND

29 2. IF A LICENSE IS DENIED, AN ANALYSIS OF THE
30 SATURATION OF OPIOID MAINTENANCE PROGRAMS IN THE CATCHMENT AREA OF
31 THE LOCATION PROPOSED FOR THE OPIOID MAINTENANCE PROGRAM.

32 (b) (1) The Secretary may require a behavioral health program to be granted
33 accreditation by an accreditation organization approved by the Secretary under Title 19,

1 Subtitle 23 of this article as a condition of licensure under regulations adopted under this
2 subtitle.

3 (2) By becoming licensed in accordance with paragraph (1) of this
4 subsection, a program agrees to comply with all applicable standards of the accreditation
5 organization.

6 (c) Regulations adopted under this subtitle may include provisions setting
7 reasonable fees for applying for a license and for the issuance and renewal of licenses.

8 21-2A-01.

9 (a) In this subtitle the following words have the meanings indicated.

10 (g) "Opioid maintenance program" means a program that:

11 (1) Is [certified] **LICENSED** by the State under [§ 8-404] **§ 7.5-401** of this
12 article;

13 (2) Is authorized to treat patients with opioid dependence with a
14 medication approved by the federal Food and Drug Administration for opioid dependence;

15 (3) Complies with:

16 (i) The Code of Federal Regulations 42, Part 8;

17 (ii) COMAR 10.47.02.11; and

18 (iii) Requirements for the secure storage and accounting of opioid
19 medication imposed by the federal Drug Enforcement Administration and the State
20 Division of Drug Control; and

21 (4) Has been granted a [certification] **LICENSE** for operation by the
22 Department, the federal Substance Abuse and Mental Health Services Administration, and
23 the federal Center for Substance Abuse Treatment.

24 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before March 31, 2017,
25 the Secretary shall adopt a regulation that increases by 10% the initial application fee for
26 a license for an opioid maintenance program.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.