

# SENATE BILL 211

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8lr1671

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By: ~~Senator Waugh~~ Senators Waugh, Astle, Benson, Feldman, Hershey, Jennings, Klausmeier, Mathias, Middleton, Oaks, and Reilly

Introduced and read first time: January 18, 2018

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2018

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

1 AN ACT concerning

### 2 **Behavioral Health Programs – Medical Directors – Telehealth**

3 FOR the purpose of requiring that regulations adopted under certain provisions of law  
4 regulating behavioral health programs include provisions authorizing ~~a medical~~  
5 ~~director of~~ a behavioral health program located in a federally designated health  
6 professional shortage area to ~~provide services through telehealth, and prohibiting a~~  
7 ~~behavioral health program located in a federally designated health professional~~  
8 ~~shortage area from requiring a medical director to provide services onsite~~ satisfy any  
9 regulatory requirement that the medical director be on-site through the medical  
10 director's use of telehealth; and generally relating to medical directors of behavioral  
11 health programs providing services through telehealth.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 7.5–402  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2017 Supplement)

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

### 19 **Article – Health – General**

20 7.5–402.

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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 (a) Regulations adopted under this subtitle shall include:

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

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

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

6 (4) Any requirements for the governance of a behavioral health program,  
7 including [a]:

8 (I) A provision prohibiting a conflict of interest between the  
9 interests of the provider and those of the individual receiving services; AND

10 (II) ~~A PROVISION AUTHORIZING A MEDICAL DIRECTOR OF A~~  
11 ~~BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH~~  
12 ~~PROFESSIONAL SHORTAGE AREA TO PROVIDE SERVICES THROUGH TELEHEALTH;~~  
13 ~~AND~~

14 ~~(III) A PROVISION PROHIBITING A BEHAVIORAL HEALTH~~  
15 ~~PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL~~  
16 ~~SHORTAGE AREA FROM REQUIRING A MEDICAL DIRECTOR TO BE ONSITE SATISFY~~  
17 ~~ANY REGULATORY REQUIREMENT THAT THE MEDICAL DIRECTOR BE ON-SITE~~  
18 ~~THROUGH THE MEDICAL DIRECTOR'S USE OF TELEHEALTH;~~

19 (5) Provisions for inspections of a behavioral health program, including  
20 inspection and copying of the records of a behavioral health program in accordance with  
21 State and federal law; and

22 (6) Provisions for denials, sanctions, suspensions, and revocations of  
23 licenses, including imposition of civil monetary penalties, and notice and an opportunity to  
24 be heard.

25 (b) (1) The Secretary may require a behavioral health program to be granted  
26 accreditation by an accreditation organization approved by the Secretary under Title 19,  
27 Subtitle 23 of this article as a condition of licensure under regulations adopted under this  
28 subtitle.

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

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

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.