

Chapter 275

(Senate Bill 178)

AN ACT concerning

~~Behavioral Health Programs~~ Outpatient Mental Health Centers – Medical Directors – Telehealth

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing ~~a medical director of a behavioral health program~~ licensed as an outpatient mental health center located in a federally designated health professional shortage area to provide services through telehealth, and prohibiting a behavioral health program located in a federally designated health professional shortage area from requiring a medical director to provide services onsite to satisfy any regulatory requirement that a medical director be onsite through the use of telehealth by the director; and generally relating to medical directors of ~~behavioral health programs~~ outpatient mental health centers providing services through telehealth.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 7.5–402
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

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

Article – Health – General

7.5–402.

(a) Regulations adopted under this subtitle shall include:

- (1) The requirements for licensure of a behavioral health program;
- (2) The process for a behavioral health program to apply for a license;
- (3) A description of the behavioral health programs that are required to be licensed;
- (4) Any requirements for the governance of a behavioral health program, including [a]:

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

~~(II) A PROVISION AUTHORIZING A MEDICAL DIRECTOR OF A BEHAVIORAL HEALTH PROGRAM LICENSED AS AN OUTPATIENT MENTAL HEALTH CENTER LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA TO PROVIDE SERVICES THROUGH TELEHEALTH; AND~~

~~(III) A PROVISION PROHIBITING A BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA FROM REQUIRING A MEDICAL DIRECTOR TO BE ONSITE TO SATISFY ANY REGULATORY REQUIREMENT THAT A THE MEDICAL DIRECTOR BE ONSITE THROUGH THE USE OF TELEHEALTH BY THE DIRECTOR;~~

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

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

(b) (1) The Secretary may require a behavioral 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 subtitle.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.