

HOUSE BILL 570

J1

(9lr2316)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by ~~Delegates Sample–Hughes, Barron, Crutchfield, Ghrist, Kelly, Krebs, R. Lewis, Patterson, and K. Young~~ K. Young, Pendergrass, Pena–Melnyk, Bagnall, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kerr, Kipke, Metzgar, Morgan, Rosenberg, Saab, and Szeliga

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 7.5–402
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2018 Supplement)

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

8 **Article – Health – General**

9 7.5–402.

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

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

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

19 (II) A PROVISION AUTHORIZING A BEHAVIORAL HEALTH
 20 PROGRAM LICENSED AS AN OUTPATIENT MENTAL HEALTH CENTER ~~LOCATED IN A~~
 21 ~~FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA~~ TO SATISFY ANY
 22 REGULATORY REQUIREMENT THAT THE MEDICAL DIRECTOR BE ~~ON-SITE~~ ON-SITE
 23 THROUGH THE ~~MEDICAL DIRECTOR'S~~ USE OF TELEHEALTH BY THE DIRECTOR;

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

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

30 (b) (1) The Secretary may require a behavioral health program to be granted
 31 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.