

HOUSE BILL 1122

J1

(9lr2727)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by Delegates Hornberger, Buckel, Kipke, ~~and Patterson~~ Patterson, Pena-Melnyk, Bagnall, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kerr, Krebs, R. Lewis, Metzgar, Morgan, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

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 –**
3 **Requirements for Medical Directors**

4 FOR the purpose of requiring ~~certain outpatient mental health centers to employ a medical~~
5 ~~director who is a licensed psychiatrist or psychiatric nurse practitioner, has certain~~
6 ~~responsibility for certain services, and is on site for at least a certain number of~~
7 ~~hours per week~~ that regulations adopted under certain provisions of law regulating
8 behavioral health programs include provisions authorizing a psychiatric nurse
9 practitioner to serve as a medical director of a certain outpatient mental health
10 center, including through telehealth; and generally relating to ~~requirements for~~
11 medical directors at outpatient mental health centers.

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 ~~adding to~~ repealing and reenacting, with amendments,

2 Article – Health – General

3 Section ~~10-905~~ 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 ~~10-905.~~

10 ~~AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE~~
11 ~~WITH COMAR 10.63.03.05 SHALL EMPLOY A MEDICAL DIRECTOR WHO:~~

12 ~~(1) IS A LICENSED PSYCHIATRIST OR PSYCHIATRIC NURSE~~
13 ~~PRACTITIONER;~~

14 ~~(2) HAS OVERALL RESPONSIBILITY FOR CLINICAL SERVICES; AND~~

15 ~~(3) IS ON SITE AT LEAST 20 HOURS PER WEEK.~~

16 7.5-402.

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

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

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

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

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

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

26 (II) A PROVISION AUTHORIZING A PSYCHIATRIC NURSE
27 PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF AN OUTPATIENT MENTAL
28 HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05,
29 INCLUDING THROUGH TELEHEALTH;

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.