

# SENATE BILL 178

J1

(9lr1366)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Eckardt**

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.

\_\_\_\_\_  
President.

### 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 medical~~  
6 ~~director of a behavioral health program~~ licensed as an outpatient mental health  
7 center located in a federally designated health professional shortage area to provide  
8 ~~services through telehealth, and prohibiting a behavioral health program located in~~  
9 ~~a federally designated health professional shortage area from requiring a medical~~  
10 ~~director to provide services onsite to satisfy any regulatory requirement that a~~  
11 medical director be onsite through the use of telehealth by the director; and generally  
12 relating to medical directors of ~~behavioral health programs~~ outpatient mental health  
13 centers providing services through telehealth.

14 BY repealing and reenacting, with amendments,

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Health – General  
 2 Section 7.5–402  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2018 Supplement)

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

7 **Article – Health – General**

8 7.5–402.

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

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

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

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

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

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.