

Chapter 481

(House Bill 1122)

AN ACT concerning

Behavioral Health Programs – Outpatient Mental Health Centers – Requirements for Medical Directors

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

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

Article – Health – General

Section ~~10-905~~ 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

~~10-905.~~

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

- ~~(1) IS A LICENSED PSYCHIATRIST OR PSYCHIATRIC NURSE PRACTITIONER;~~
- ~~(2) HAS OVERALL RESPONSIBILITY FOR CLINICAL SERVICES; AND~~
- ~~(3) IS ON SITE AT LEAST 20 HOURS PER WEEK.~~

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 PSYCHIATRIC NURSE PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05, INCLUDING THROUGH TELEHEALTH;

(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 ~~July~~ October 1, 2019.

Approved by the Governor, May 13, 2019.