

HOUSE BILL 332

J1

0lr1161
CF SB 441

By: Delegates Bagnall, Cullison, Kipke, ~~and Pena-Melnyk~~ Pena-Melnyk, Pendergrass, Belcastro, Bhandari, Carr, Charles, Chisholm, Hill, Johnson, Kelly, Kerr, Krebs, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Szeliga, and K. Young

Introduced and read first time: January 20, 2020
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 Mental Health – Confidentiality of Medical Records and Emergency Facilities
3 List – ~~Comprehensive Crisis Response Centers, Crisis Stabilization Centers, and~~
4 ~~Crisis Treatment Centers~~

5 FOR the purpose of altering the definition of “health care provider” for the purposes of
6 certain provisions of law governing the confidentiality of medical records to include
7 comprehensive crisis response centers, crisis stabilization centers, and crisis
8 treatment centers; providing that the list of emergency facilities the Maryland
9 Department of Health is required to publish may include comprehensive crisis
10 response centers, crisis stabilization centers, ~~and~~ crisis treatment centers, and
11 outpatient mental health clinics; requiring the Department to give the list to each
12 local behavioral health authority; requiring the Department to develop a certain
13 model program structure; requiring the Department to submit a certain report to the
14 General Assembly on or before a certain date each year; prohibiting the Department
15 from adding emergency facilities to a certain list before certain model facility
16 standards are developed; and generally relating to ~~the list of emergency facilities~~
17 published by the Maryland Department of Health ~~mental health.~~

18 BY repealing and reenacting, without amendments,
19 Article – Health – General
20 Section 4–301(a) and 7.5–207
21 Annotated Code of Maryland

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.



1 (b) At least one crisis treatment center shall be established on or before June 1,
2 2018.

3 (c) The Administration shall establish the crisis treatment centers required
4 under subsection (a) of this section in a manner that is consistent with the strategic plan
5 developed by the Behavioral Health Advisory Council, as required by Chapters 405 and 406
6 of the Acts of the General Assembly of 2016.

7 (d) On or before September 1, 2017, and on or before September 1 each year
8 thereafter until the Administration establishes the crisis treatment centers required under
9 subsection (a) of this section, the Administration shall submit, in accordance with § 2-1257
10 of the State Government Article, a report on the status of the establishment of crisis
11 treatment centers under this section to the Joint Committee on Behavioral Health and
12 Opioid Use Disorders.

13 10-621.

14 (A) At least once a year, the Department shall:

15 (1) Publish a list of emergency facilities and their addresses; and

16 (2) Give the list to each health department, judge of a court, sheriff's office,
17 police station, LOCAL BEHAVIORAL HEALTH AUTHORITY, and Secret Service office in
18 this State.

19 (B) **THE LIST PUBLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY**
20 **INCLUDE:**

21 (1) **COMPREHENSIVE CRISIS RESPONSE CENTERS;**

22 (2) **CRISIS STABILIZATION CENTERS; ~~AND~~**

23 (3) **CRISIS TREATMENT CENTERS ESTABLISHED UNDER § 7.5-207 OF**
24 **THIS ARTICLE; AND**

25 (4) **OUTPATIENT MENTAL HEALTH CLINICS.**

26 (C) **BEFORE INCLUDING A FACILITY UNDER SUBSECTION (B) OF THIS**
27 **SECTION IN THE LIST OF EMERGENCY FACILITIES, THE DEPARTMENT SHALL**
28 **CONSULT WITH STAKEHOLDERS TO DEVELOP A MODEL PROGRAM STRUCTURE THAT**
29 **ENSURES THAT A PROGRAM WISHING TO SERVE AS AN EMERGENCY FACILITY:**

30 (1) **IS ADEQUATELY STAFFED TO PROVIDE 24-HOUR EMERGENCY**
31 **PETITION SERVICES;**

1 **(2) PROVIDES THE NECESSARY SERVICES REQUIRED FOR AN**
2 **EMERGENCY PETITION;**

3 **(3) HAS WRITTEN PROCEDURES IN PLACE THAT PROVIDE FOR**
4 **INVOLUNTARY ADMISSIONS, THROUGH AN EMERGENCY PETITION, INCLUDING TO A**
5 **LICENSED HOSPITAL, AS NECESSARY;**

6 **(4) PROVIDES ADDITIONAL SUPPORT TO RESPECT THE DUE PROCESS**
7 **RIGHTS OF PATIENTS RECEIVED THROUGH THE EMERGENCY PETITION PROCESS;**
8 **AND**

9 **(5) COMPLIES WITH ADDITIONAL PROCEDURES AS OTHERWISE**
10 **DETERMINED BY THE DEPARTMENT.**

11 **(D) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL**
12 **REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE**
13 **STATE GOVERNMENT ARTICLE, ON:**

14 **(1) THE NUMBER OF FACILITIES THAT HAVE SOUGHT TO BE**
15 **DESIGNATED AN EMERGENCY FACILITY;**

16 **(2) THE NUMBER OF THE FACILITIES REPORTED UNDER ITEM (1) OF**
17 **THIS SUBSECTION THAT HAVE ATTEMPTED TO MEET THE MODEL FACILITY**
18 **STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION;**

19 **(3) THE PROGRESS OF THE FACILITIES REPORTED UNDER ITEM (2)**
20 **OF THIS SUBSECTION TOWARD MEETING THE MODEL FACILITY STANDARDS;**

21 **(4) THE DEVELOPMENT OF COLLABORATIVE MODELS BETWEEN**
22 **STATE, LOCAL, AND PRIVATE ENTITIES; AND**

23 **(5) WHETHER THE DEPARTMENT, IN CONSULTATION WITH**
24 **STAKEHOLDERS, HAS DETERMINED THAT ANY CHANGES TO THE MODEL FACILITY**
25 **STANDARDS ARE NECESSARY.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of**
27 **Health may not add emergency facilities to the list published under § 10-621(a)(1), as**
28 **amended by Section 1 of this Act, of the Health – General Article until the model facility**
29 **standards required under § 10-621(c) of the Health – General Article, as enacted by Section**
30 **1 of this Act, have been developed.**

31 **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2020.**