

SENATE BILL 519

J1, J3

01r0673

By: **Senators McCray, Ellis, Ferguson, Hayes, and Kelley**

Introduced and read first time: January 30, 2020

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Behavioral Health Programs and Health Care Facilities – Safety**
3 **Plan and Community Relations Plans**

4 FOR the purpose of requiring that the regulations adopted by the Behavioral Health
5 Administration under certain provisions of law governing requirements for the
6 licensure of behavioral health programs include a requirement that a behavioral
7 health program establish and implement a certain safety plan before being issued a
8 license; requiring a behavioral health program to submit a certain community
9 relations plan to the Administration under certain circumstances; providing that the
10 Administration or the Maryland Department of Health may authorize a behavioral
11 health program or a certain facility to satisfy a certain requirement in a certain
12 manner; requiring the Department to require that a certain facility establish and
13 implement a certain safety plan and, under certain circumstances, a certain
14 community relations plan before the Department approves the facility; and generally
15 relating to safety and community relations plans for behavioral health programs and
16 health care facilities.

17 BY repealing and reenacting, with amendments,

18 Article – Health – General

19 Section 7.5–402

20 Annotated Code of Maryland

21 (2019 Replacement Volume)

22 BY adding to

23 Article – Health – General

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 Section 19–150 to be under the new part “Part VI. Safety ~~Plan~~ and Community
 2 Relations Plans”
 3 Annotated Code of Maryland
 4 (2019 Replacement Volume)

5 BY repealing and reenacting, without amendments,
 6 Article – Health – General
 7 Section 19–2301(a) and (b)
 8 Annotated Code of Maryland
 9 (2019 Replacement Volume)

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

12 **Article – Health – General**

13 7.5–402.

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

15 (1) The requirements for licensure of a behavioral health program,
 16 **INCLUDING A REQUIREMENT THAT THE BEHAVIORAL HEALTH PROGRAM ESTABLISH**
 17 **AND IMPLEMENT A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**
 18 ~~AND THE COMMUNITY SURROUNDING THE 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:

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

26 (ii) A provision authorizing a behavioral health program licensed as
 27 an outpatient mental health center to satisfy any regulatory requirement that the medical
 28 director be onsite through the use of telehealth by the director; and

29 (iii) A provision authorizing a psychiatric nurse practitioner to serve
 30 as a medical director of an outpatient mental health center accredited in accordance with
 31 COMAR 10.63.03.05, including through telehealth;

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

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

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

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

11 **(3) IF A BEHAVIORAL HEALTH PROGRAM IS REQUIRED TO BE**
12 **GRANTED ACCREDITATION AS A CONDITION OF LICENSURE UNDER PARAGRAPH (1)**
13 **OF THIS SUBSECTION AND THE ACCREDITATION ORGANIZATION REQUIRES THE**
14 **BEHAVIORAL HEALTH PROGRAM TO ADOPT A COMMUNITY RELATIONS PLAN, THE**
15 **BEHAVIORAL HEALTH PROGRAM SHALL SUBMIT THE COMMUNITY RELATIONS PLAN**
16 **TO THE ADMINISTRATION.**

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

19 **(D) THE ADMINISTRATION MAY AUTHORIZE A BEHAVIORAL HEALTH**
20 **PROGRAM TO SATISFY THE SAFETY PLAN REQUIREMENT UNDER SUBSECTION (A)(1)**
21 **OF THIS SECTION BY IMPLEMENTING A SAFETY PLAN ESTABLISHED FOR THE**
22 **BEHAVIORAL HEALTH PROGRAM FOR ANOTHER PURPOSE.**

23 **PART VI. SAFETY ~~PLAN~~ AND COMMUNITY RELATIONS PLANS.**

24 **19-150.**

25 **(A) BEFORE THE DEPARTMENT APPROVES A FACILITY UNDER THIS TITLE,**
26 **INCLUDING BY GRANTING A LICENSE TO THE FACILITY, THE DEPARTMENT SHALL**
27 **REQUIRE THE FACILITY TO ESTABLISH AND IMPLEMENT ~~A~~:**

28 **(1) A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**
29 **AND THE COMMUNITY SURROUNDING THE FACILITY; AND**

30 **(2) A COMMUNITY RELATIONS PLAN, IF THE FACILITY IS:**

31 **(i) ACCREDITED BY AN ACCREDITATION ORGANIZATION, AS**
32 **DEFINED IN § 19-2301 OF THIS TITLE; AND**

1 (II) REQUIRED BY THE ACCREDITATION ORGANIZATION TO
2 ESTABLISH AND IMPLEMENT A COMMUNITY RELATIONS PLAN.

3 (B) THE DEPARTMENT MAY AUTHORIZE A FACILITY TO SATISFY THE
4 REQUIREMENT UNDER ~~SUBSECTION (A)~~:

5 (1) SUBSECTION (A)(1) OF THIS SECTION BY IMPLEMENTING A
6 SAFETY PLAN ESTABLISHED FOR THE FACILITY FOR ANOTHER PURPOSE; AND

7 (2) SUBSECTION (A)(2) OF THIS SECTION BY IMPLEMENTING THE
8 COMMUNITY RELATIONS PLAN REQUIRED BY THE ACCREDITATION ORGANIZATION.

9 19-2301.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “Accreditation organization” means a private entity that conducts inspections
12 and surveys of health care facilities or health care staff agencies based on nationally
13 recognized and developed standards.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.