

SENATE BILL 519

J1, J3

0lr0673

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

Introduced and read first time: January 30, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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; providing that the Administration or the Maryland Department of Health
9 may authorize a behavioral health program or a certain facility to satisfy a certain
10 requirement in a certain manner; requiring the Department to require that a certain
11 facility establish and implement a certain safety plan before the Department
12 approves the facility; and generally relating to safety plans for behavioral health
13 programs and health care facilities.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 7.5–402
17 Annotated Code of Maryland
18 (2019 Replacement Volume)

19 BY adding to
20 Article – Health – General
21 Section 19–150 to be under the new part “Part VI. Safety Plan”
22 Annotated Code of Maryland
23 (2019 Replacement Volume)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7.5-402.

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

3 (1) The requirements for licensure of a behavioral health program,
4 **INCLUDING A REQUIREMENT THAT THE BEHAVIORAL HEALTH PROGRAM ESTABLISH**
5 **AND IMPLEMENT A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**
6 **AND THE COMMUNITY SURROUNDING THE BEHAVIORAL HEALTH PROGRAM;**

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

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

10 (4) Any requirements for the governance of a behavioral health program,
11 including:

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

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

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

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

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

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

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

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

