

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 519

(Senator McCray, *et al.*)

Finance

Health and Government Operations

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

This bill specifies that regulations adopted by the Behavioral Health Administration (BHA) must require a behavioral health program to establish and implement a safety plan for the safety of the individuals served by the behavioral health program as part of the requirements for licensure. If a behavioral health program is required to adopt a community relations plan as part of its accreditation, the program must submit the plan to BHA. The Maryland Department of Health (MDH), before approving a facility or granting a license, must require a facility to establish and implement a safety plan and, if required by the facility's accreditation organization, to establish and implement a community relations plan. BHA and MDH may authorize a program or facility to satisfy the safety plan requirement by implementing a safety plan established for another purpose. MDH may authorize a facility to satisfy the community relations plan requirement by implementing the plan required by an accreditation organization.

Fiscal Summary

State Effect: None.

Local Effect: None.

Small Business Effect: Minimal, as discussed below.

Analysis

Current Law: Regulations adopted regarding behavioral health programs must include:

- the requirements for licensure of a behavioral health program;
- the process for a behavioral health program to apply for a license;

- a description of the behavioral health programs that are required to be licensed;
- any requirements for the governance of a behavioral health program, as specified;
- provisions for inspections of a behavioral health program, including inspection and copying of the records of a behavioral health program; and
- provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil monetary penalties, and notice and opportunity to be heard.

MDH grants licenses to numerous types of health care facilities, including hospitals, nursing homes, and assisted living programs.

Background: BHA advises that all four of the accreditation agencies approved by Maryland for behavioral health care programs require safety and disaster plans. For example, the Commission on Accreditation of Rehabilitation Facilities, which accredits the majority of community programs, requires programs to maintain healthy, safe, and clean environments that support quality services and minimize risk of harm to persons served, personnel, and other stakeholders.

Similarly, The Joint Commission, which accredits various health organizations, including hospitals and nursing care center services, focuses on safety. It provides various online resources for patient and worker safety, and publishes monthly a peer-reviewed publication on the topic.

Per the *Federal Guidelines for Opioid Treatment Programs* prepared by the federal Substance Abuse and Mental Health Services Administration and the U.S. Department of Health and Human Services, each opioid treatment program must provide for patient and staff safety, program emergencies, and adverse events that require immediate response and investigation by developing and maintaining effective policies and procedures.

Small Business Effect: Since most health care programs and facilities are required to have a safety plan in place for another purpose, it is unlikely significant resources will be required for programs and facilities to meet the safety plan requirements under the bill. Likewise, since facilities are required to establish and implement a community relations plan only if required by an accreditation organization, significant resources will not be required for facilities to meet this requirement. It is also anticipated that significant resources will not be required for behavioral health programs to submit their community relations plan to BHA.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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