

# SENATE BILL 96

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(PRE-FILED)

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By: **Senator McCray**

Requested: August 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Behavioral Health Programs and Health Care Facilities – Safety**  
3 **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 and 2020 Supplement)

22 BY adding to  
23 Article – Health – General  
24 Section 19–1C–01 to be under the new subtitle “Subtitle 1C. Safety and Community  
25 Relations Plans”  
26 Annotated Code of Maryland  
27 (2019 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Health – General  
3 Section 19–2301(a) and (b)  
4 Annotated Code of Maryland  
5 (2019 Replacement Volume and 2020 Supplement)

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

8 **Article – Health – General**

9 7.5–402.

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

11 (1) The requirements for licensure of a behavioral health program,  
12 **INCLUDING A REQUIREMENT THAT THE BEHAVIORAL HEALTH PROGRAM ESTABLISH**  
13 **AND IMPLEMENT A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**  
14 **THE BEHAVIORAL HEALTH PROGRAM;**

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

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

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

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

22 (ii) A provision authorizing a behavioral health program licensed as  
23 an outpatient mental health center to satisfy any regulatory requirement that the medical  
24 director be on site through the use of telehealth by the director; and

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

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

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

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

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

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

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

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

20 **SUBTITLE 1C. SAFETY AND COMMUNITY RELATIONS PLANS.**

21 **19-1C-01.**

22 **(A) BEFORE THE DEPARTMENT APPROVES THE OPERATION OF A FACILITY**  
23 **UNDER THIS TITLE, INCLUDING BY GRANTING A LICENSE TO THE FACILITY, THE**  
24 **DEPARTMENT SHALL REQUIRE THE FACILITY TO ESTABLISH AND IMPLEMENT:**

25 **(1) A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**  
26 **THE FACILITY; AND**

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

28 **(I) ACCREDITED BY AN ACCREDITATION ORGANIZATION, AS**  
29 **DEFINED IN § 19-2301 OF THIS TITLE; AND**

30 **(II) REQUIRED BY THE ACCREDITATION ORGANIZATION TO**  
31 **ESTABLISH AND IMPLEMENT A COMMUNITY RELATIONS PLAN.**

32 **(B) THE DEPARTMENT MAY AUTHORIZE A FACILITY TO SATISFY THE**  
33 **REQUIREMENT UNDER:**

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

3           **(2) SUBSECTION (A)(2) OF THIS SECTION BY IMPLEMENTING THE**  
4 **COMMUNITY RELATIONS PLAN REQUIRED BY THE ACCREDITATION ORGANIZATION.**

5 19–2301.

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

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

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2021.