

HOUSE BILL 1153

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3lr1708
CF SB 794

By: Delegates Adams and Hutchinson, Hutchinson, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Taveras, Szeliga, White, and Woods

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Behavioral Health Programs – Residential Programs – Food Service Facility**
3 **Requirements**

4 FOR the purpose of ~~prohibiting regulations adopted by~~ requiring the Maryland
5 Department of Health ~~from requiring certain residential programs to comply with~~
6 to adopt regulations that establish certain food service facility regulations if the
7 standards for certain residential program has programs that have less than a
8 certain number of residents; and generally relating to food service facility
9 requirements and residential programs.

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 7.5–401
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 7.5–402
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

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

3 **Article – Health – General**

4 7.5–401.

5 (a) Except as otherwise provided in this section, a behavioral health program
6 shall be licensed by the Secretary before program services may be provided in this State.

7 (b) The Secretary may exempt the following persons from the licensure
8 requirements of this section:

9 (1) A health professional, in either solo or group practice, who is licensed
10 under the Health Occupations Article and who is providing mental health or
11 substance–related disorder services according to the requirements of the appropriate
12 professional board;

13 (2) Alcoholics Anonymous, Narcotics Anonymous, recovery residences,
14 peer support services, family support services, or other similar organizations, if the
15 organization holds meetings or provides support services but does not provide any type of
16 treatment;

17 (3) An employees' assistance program of a business entity;

18 (4) Outpatient behavioral health treatment and rehabilitation services
19 provided in a regulated space in a hospital, as defined in § 19–301 of this article, if the
20 services are accredited by an approved accreditation organization under its behavioral
21 health standards; or

22 (5) A private therapeutic group home as defined in § 10–920 of this
23 article.

24 7.5–402.

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

26 (1) The requirements for licensure of a behavioral health program,
27 including a requirement that the behavioral health program:

28 (i) 1. Establish and implement a safety plan for the safety of
29 the individuals served by the behavioral health program; or

30 2. Implement a safety or emergency plan established for the
31 program for another purpose; and

32 (ii) Revise the safety plan not less than every 5 years;

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

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

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

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

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

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

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

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

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

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

27 (3) If a behavioral health program is required to be granted accreditation
28 as a condition of licensure under paragraph (1) of this subsection and the accreditation
29 organization requires the behavioral health program to adopt a community relations plan,
30 the behavioral health program shall submit the community relations plan to the
31 Administration.

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

(d) The Administration may authorize a behavioral health program to satisfy the safety plan requirement under subsection (a)(1) of this section by implementing a safety plan established for the behavioral health program for another purpose.

(E) ~~REGULATIONS ADOPTED~~ THE DEPARTMENT SHALL ADOPT REGULATIONS UNDER THIS SUBTITLE MAY NOT REQUIRE A RESIDENTIAL PROGRAM TO COMPLY WITH THAT ESTABLISH FOOD SERVICE FACILITY REGULATIONS UNDER COMAR 10.15.03 IF THE STANDARDS THAT ARE APPROPRIATE TO RESIDENTIAL PROGRAM HAS PROGRAMS THAT HAVE FEWER THAN 17 RESIDENTS AND IS ARE LICENSED UNDER:

- (1) COMAR 10.63.03.11;
- (2) COMAR 10.63.03.12;
- (3) COMAR 10.63.03.13; OR
- (4) COMAR 10.63.03.14.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.