

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 888
Finance

(Senator Hayes)

Health - Local Behavioral Health Authorities and Oversight of Behavioral Health Programs

This bill authorizes a local behavioral health authority (LBHA) to hire its own inspectors – which must be in addition to any inspectors employed for the same purpose by the Maryland Department of Health (MDH) – to monitor the quality and safety of behavioral health programs. An LBHA must (1) track complaints against behavioral health programs and health care providers working at such programs and (2) forward any complaint information about a health care provider to the applicable health occupations board. A behavioral health program must seek community input when adopting a written agreement with an LBHA that provides for coordination and cooperation in carrying out behavioral health activities in a local jurisdiction. The Behavioral Health Administration (BHA) may adopt regulations to implement the bill. BHA must report to the General Assembly on implementation of the bill by December 1 each year. Behavioral health programs and LBHAs must provide BHA with the information it requires to complete these reports.

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: Local expenditures increase to the extent that an LBHA exercises the authority authorized under the bill. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: Maryland regulations (COMAR 10.63.01.01 *et. seq.*) require, with limited exception, an individual or entity to have a valid and current license issued by MDH in order to provide community-based behavioral health services in the State. Before applying for licensure, a community-based behavioral health program must enter into an agreement to cooperate with the core service agency (CSA), local addictions authority (LAA), or LBHA. The agreement to cooperate (1) must provide for coordination and cooperation between the parties in carrying out behavioral health activities in the jurisdiction, including facilitating a complaint investigation and the transition of services if the program closes or discontinues a service and (2) may not include a provision that authorizes the CSA, LAA, or LBHA to prohibit a program from offering services at any location. To be licensed, a program must also have and follow a written criminal background investigation policy, as specified, regarding the criminal history of the program's employees, contractors, and volunteers.

Once licensed, MDH (or its designees) may make announced or unannounced visits to inspect a program to investigate a complaint. MDH may inspect and copy records including financial, treatment, and service records.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Association of Counties; Maryland Department of Health; Department of Legislative Services

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rh/jc

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