

HOUSE BILL 24

Unofficial Copy
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1998 Regular Session
8r0024

(PRE-FILED)

By: **Delegate Holt**

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Community Care Centers - Narcotic Treatment Programs - Certification**

3 FOR the purpose of prohibiting the Department of Health and Mental Hygiene, under
4 certain circumstances, from issuing a certificate to an individual or organization
5 to operate an alcohol abuse and drug abuse treatment program in a community
6 care center if the alcohol abuse and drug abuse treatment program is to include
7 the provision of a narcotic treatment program; and defining certain terms.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 8-404
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1997 Supplement)

13 BY adding to
14 Article - Health - General
15 Section 8-406
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1997 Supplement)

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

20 **Article - Health - General**

21 8-404.

22 (a) The Department shall adopt regulations for establishing, operating, and
23 certifying alcohol abuse and drug abuse treatment programs that include:

24 (1) Procedures for consulting with the Administration to set standards
25 relating to alcohol abuse and drug abuse treatment care and rehabilitation services;

1 (2) Standards relating to environmental and safety requirements
2 concerning physical plant, equipment, and structure;

3 (3) Standards relating to programmatic operations of alcohol and drug
4 abuse treatment, care, and rehabilitation services; and

5 (4) Provisions for denials, suspensions, and revocations of certification.

6 (b) The Department may adopt regulations for certifying individuals
7 providing alcohol abuse and drug abuse treatment.

8 (c) An applicant for certification shall submit an application to the
9 Department on the form that the Department requires.

10 (d) [The] SUBJECT TO THE PROVISIONS OF § 8-406 OF THIS SUBTITLE, THE
11 Department shall issue a certificate to an individual or organization providing alcohol
12 abuse and drug abuse treatment, care, and rehabilitation services that meets the
13 Department's certification requirements.

14 (e) Before the Department disapproves an application, the Department shall
15 give the applicant an opportunity for a hearing.

16 (f) Except as otherwise provided in this subtitle, an individual or organization
17 may not operate or attempt to operate an alcohol abuse and drug abuse treatment
18 program in the State unless certified by the Department.

19 (g) An individual or organization who operates an alcohol abuse and drug
20 abuse treatment program in violation of this title is guilty of a misdemeanor.

21 8-406.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "COMMUNITY CARE CENTER" MEANS A SMALL-SCALE PUBLIC OR
25 PRIVATE FACILITY OR MEDICAL CLINIC OR OFFICE THAT OFFERS FOR THE BENEFIT
26 OF INDIVIDUALS LIVING IN THE AREA OR LOCALITY IN WHICH THE FACILITY OR
27 MEDICAL CLINIC OR OFFICE IS LOCATED, ALCOHOL ABUSE AND DRUG ABUSE
28 TREATMENT, OUTPATIENT CARE, OR REHABILITATION SERVICES FOR ALCOHOL AND
29 DRUG ABUSERS OR INDIVIDUALS DEPENDENT ON ALCOHOL OR DRUGS.

30 (3) "DETOXIFICATION TREATMENT" MEANS THE DISPENSING OF A
31 NARCOTIC DRUG IN DECREASING DOSES TO AN INDIVIDUAL:

32 (I) TO ALLEVIATE ADVERSE PHYSIOLOGICAL OR PSYCHOLOGICAL
33 EFFECTS INCIDENT TO WITHDRAWAL FROM THE CONTINUOUS OR SUSTAINED USE
34 OF A NARCOTIC DRUG; AND

35 (II) AS A METHOD OF BRINGING THE INDIVIDUAL TO A NARCOTIC
36 DRUG-FREE STATE WITHIN A DESIRED TIME PERIOD.

1 (4) "MAINTENANCE TREATMENT" MEANS THE DISPENSING OF A
2 NARCOTIC DRUG, AT RELATIVELY STABLE DOSAGE LEVELS, IN THE TREATMENT OF
3 AN INDIVIDUAL FOR DEPENDENCE ON HEROIN OR OTHER MORPHINE-LIKE DRUG.

4 (5) "NARCOTIC TREATMENT PROGRAM" MEANS A PROGRAM OF
5 MAINTENANCE OR DETOXIFICATION TREATMENT DURING WHICH A NARCOTIC DRUG
6 IS ADMINISTERED OR DISPENSED IN THE TREATMENT OF AN INDIVIDUAL FOR
7 DEPENDENCE ON HEROIN OR OTHER MORPHINE-LIKE DRUG.

8 (B) THE DEPARTMENT MAY NOT ISSUE A CERTIFICATE TO AN INDIVIDUAL OR
9 ORGANIZATION TO OPERATE AN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT
10 PROGRAM IN A COMMUNITY CARE CENTER THAT WOULD INCLUDE, AS PART OF THE
11 TREATMENT, OUTPATIENT CARE OR REHABILITATION SERVICES TO BE OFFERED IN
12 THE ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM, THE PROVISION OF A
13 NARCOTIC TREATMENT PROGRAM UNLESS THE COMMUNITY CARE CENTER IS TO BE
14 LOCATED IN AN AREA OR LOCALITY WHERE, UNDER ZONING REGULATIONS
15 ADOPTED BY THE LOCAL LEGISLATIVE BODY, A COMMUNITY CARE CENTER IS
16 PERMITTED TO OPERATE A NARCOTIC TREATMENT PROGRAM.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1998.