
By: **Delegate C. Davis**

Rules suspended

Introduced and read first time: March 10, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Quality of Mental Health Care Panel**

3 FOR the purpose of creating a Quality of Mental Health Care Panel in the Mental
4 Hygiene Administration specifying the purpose, members, terms, staff, quorum,
5 compensation, powers, and duties of the Panel; providing for certain notice and
6 hearing requirements; providing for certain penalties; providing for certain
7 appeals; and generally relating to the Quality of Mental Health Care Panel.

8 BY adding to

9 Article - Health - General

10 Section 10-1601 through 10-1609, inclusive, to be under the new subtitle

11 "Subtitle 16. Quality of Mental Health Care Panel"

12 Annotated Code of Maryland

13 (2000 Replacement Volume and 2003 Supplement)

14 Preamble

15 WHEREAS, The Mental Hygiene Administration is a significant cost center in
16 the Department of Health and Mental Hygiene; and

17 WHEREAS, There is not an entity in the Department of Health and Mental
18 Hygiene devoted to or offering quality assurance with regard to mental health
19 services to either uninsured individuals or individuals enrolled in health plans; and

20 WHEREAS, The Hospital Unit of the Office of Health Care Quality within the
21 Department of Health and Mental Hygiene is not specialized in mental health care;
22 and

23 WHEREAS, There is not an entity in the Department of Health and Mental
24 Hygiene solely addressing the quality assurance needs of the Mental Hygiene
25 Administration; now, therefore,

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

Article - Health - General

SUBTITLE 16. QUALITY OF MENTAL HEALTH CARE PANEL.

10-1601.

THERE IS A QUALITY OF MENTAL HEALTH CARE PANEL IN THE MENTAL
HYGIENE ADMINISTRATION.

10-1602.

THE PURPOSE OF THE PANEL IS TO ENSURE THE QUALITY OF MENTAL HEALTH
CARE.

10-1603.

(A) (1) THE PANEL SHALL CONSIST OF FIVE MEMBERS.

(2) OF THE FIVE MEMBERS:

(I) THREE MEMBERS SHALL BE LICENSED PSYCHIATRISTS;

(II) ONE MEMBER SHALL BE A LICENSED NURSE IN THE FIELD OF
PSYCHIATRY; AND

(III) ONE MEMBER SHALL BE A LICENSED SOCIAL WORKER IN THE
FIELD OF PSYCHIATRY.

(B) THE DIRECTOR SHALL APPOINT THE MEMBERS AFTER CONSULTING WITH
THE OFFICE OF HEALTH CARE QUALITY IN THE DEPARTMENT.

(C) THE DIRECTOR SHALL APPOINT A CHAIRMAN FROM AMONG THE THREE
LICENSED PSYCHIATRIST MEMBERS.

(D) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
TERMS PROVIDED FOR MEMBERS OF THE PANEL ON OCTOBER 1, 2004.

(3) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
TERMS.

(4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
QUALIFIES.

(E) THE DIRECTOR MAY REMOVE A MEMBER IF THE MEMBER INTERFERES
WITH THE QUALITY OF MENTAL HEALTH CARE.

1 10-1604.

2 (A) THE ADMINISTRATION SHALL PROVIDE STAFF SUPPORT.

3 (B) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE PANEL IS A
4 QUORUM.

5 (C) (1) A MEMBER MAY NOT RECEIVE COMPENSATION; BUT

6 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES AT A RATE
7 DETERMINED BY THE DEPARTMENT.

8 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT THE
9 PROVISIONS OF THIS SECTION.

10 (E) THE PANEL SHALL KEEP A RECORD OF ITS PROCEEDINGS.

11 (F) (1) THE PANEL SHALL SUBMIT A REPORT TO THE ADMINISTRATION NO
12 LATER THAN OCTOBER 1, 2005, AND THEN ON OR BEFORE OCTOBER 1 EACH YEAR
13 THEREAFTER.

14 (2) THE REPORT SHALL INCLUDE:

15 (I) THE NUMBER OF CLAIMS SUBMITTED; AND

16 (II) THE OUTCOME OF EACH CLAIM.

17 10-1605.

18 THE ADMINISTRATION SHALL ADVERTISE THE COMPLAINT PROCESS IN EACH
19 FACILITY THAT THE ADMINISTRATION IS RESPONSIBLE FOR UNDER THIS SUBTITLE
20 BY:

21 (1) POSTING INFORMATION DESCRIBING THE PROCESS AND INCLUDING
22 A TOLL-FREE NUMBER; AND

23 (2) PROVIDING TO EACH PATIENT INTERNET ACCESS AND A HARD COPY
24 OF THE COMPLAINT FORM THAT THE PANEL REQUIRES.

25 10-1606.

26 (A) A PERSON MAY FILE A COMPLAINT WITH THE PANEL IF:

27 (1) THE PERSON'S RIGHTS UNDER §§ 10-701 THROUGH 10-714 OF THIS
28 TITLE ARE VIOLATED; OR

29 (2) THE PERSON SUFFERED OTHER DAMAGES.

30 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
31 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER THIS

1 SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
2 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE PANEL.

3 (2) THE PANEL SHALL GIVE NOTICE AND HOLD THE HEARING IN
4 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

5 (C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT
6 BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST 14
7 DAYS BEFORE THE HEARING.

8 (D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.
9 10-1607.

10 (A) SUBJECT TO THE HEARING PROVISIONS OF THIS SUBTITLE, THE PANEL
11 MAY IMPOSE A PENALTY.

12 (B) PENALTIES MAY INCLUDE:

13 (1) AN ORDER TO CEASE CONDUCT OR PRACTICES THAT INTERFERE
14 WITH THE QUALITY OF MENTAL HEALTH;

15 (2) AN ORDER TO PROVIDE A SERVICE THAT HAS BEEN DENIED;

16 (3) IMPOSING A PENALTY NOT EXCEEDING \$5,000;

17 (4) RECOMMENDING THAT THE FACILITY'S CERTIFICATE TO OPERATE
18 BE REVOKED OR NOT RENEWED;

19 (5) RECOMMENDING THAT THE FACILITY SUSPEND OR DISCHARGE AN
20 EMPLOYEE WHO INTERFERES WITH THE QUALITY OF MENTAL HEALTH CARE; OR

21 (6) RECOMMENDING THAT THE APPROPRIATE HEALTH CARE BOARD
22 SUSPEND OR REVOKE A LICENSE.

23 10-1608.

24 (A) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE PANEL IN A
25 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

26 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

27 (2) THEN TAKE FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE
28 PROCEDURE ACT.

29 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE PANEL MAY
30 NOT APPEAL TO THE SECRETARY OR THE BOARD OF REVIEW BUT MAY TAKE A
31 DIRECT JUDICIAL APPEAL.

1 (2) THE APPEAL SHALL BE MADE PURSUANT TO THE PROVISIONS ON
2 JUDICIAL REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE
3 GOVERNMENT ARTICLE.

4 (C) AN ACTION UNDER THIS SUBTITLE DOES NOT PRECLUDE A CIVIL OR
5 CRIMINAL ACTION.

6 10-1609.

7 THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
8 SUBTITLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
10 members of the Quality of Mental Health Care Panel shall expire as follows:

11 (1) one member in 2005;

12 (2) one member in 2006;

13 (3) one member in 2007; and

14 (4) one member in 2008.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2004.