

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 566 (Delegate Rosenberg)  
Health and Government Operations

Finance

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Department of Health and Mental Hygiene - Licensees Providing Services to  
Individuals With Developmental Disabilities - Emergency Action

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This bill clarifies the authority of the Department of Health and Mental Hygiene (DHMH) to suspend the license of a licensee under specified circumstances, and it newly authorizes DHMH to order a licensee to immediately remedy a situation if DHMH finds that the public health, safety, or welfare of individuals with disabilities receiving services from a licensee requires emergency action.

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**Fiscal Summary**

**State Effect:** The bill does not affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect the operations or finances of local health departments licensed to provide case management services.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Bill Summary:** An order to immediately remedy a situation requiring emergency action is effective immediately and remains in effect until the department rescinds the order or there is a resolution through the administrative hearing process. If DHMH issues an order to immediately remedy a situation requiring emergency action, DHMH must give the licensee written notice containing specified information and an opportunity to be heard.

**Current Law:** Under the Administrative Procedure Act, a unit of State government may not revoke or suspend a license unless the unit first gives the licensee written notice of the facts that warrant suspension or revocation and an opportunity to be heard. However, a

unit may summarily order suspension of a license if the unit (1) finds that the public health, safety, or welfare imperatively requires emergency action and (2) the licensing authority promptly gives the licensee written notice of the suspension, the finding, and the reasons that support the finding as well as an opportunity to be heard. Additionally, the Developmental Disabilities Administration must deny a license application or suspend or revoke a license if the applicant or licensee fails to comply with the State laws, rules, or regulations.

**Background:** The bill was requested by the Maryland Disability Law Center to enhance the tools available to DHMH in addressing emergency situations involving disabled and vulnerable individuals. DHMH reports that no licenses were suspended in 2014.

**Small Business Effect:** To the extent that licensees that provide services to individuals with developmental disabilities are small businesses, the bill's provisions could allow the licensees to continue providing services, with acceleration of costs necessary to remedy emergency situations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Office of Administrative Hearings, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2015  
min/ljm Revised - House Third Reader - April 1, 2015

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