

# HOUSE BILL 79

J1, J3

8lr1004

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By: **Delegate Grammer**

Introduced and read first time: January 11, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Opioid Maintenance Therapy Programs – License Applications – Notice to**  
3 **Members of the General Assembly**

4 FOR the purpose of prohibiting the Secretary of Health from issuing a license to an opioid  
5 maintenance therapy program unless the Secretary gives the notice required under  
6 certain provisions of this Act; requiring the Maryland Department of Health to give  
7 notice of an application for a certain license by a certain method to certain members  
8 of the General Assembly before the Secretary issues the license; requiring the  
9 Department to give certain notice at least a certain number of days before the date  
10 of approval of the license; and generally relating to providing notice of an application  
11 for an opioid maintenance therapy program license to members of the General  
12 Assembly.

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 7.5–401  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2017 Supplement)

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

20 **Article – Health – General**

21 7.5–401.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) A health professional, in either solo or group practice, who is licensed  
2 under the Health Occupations Article and who is providing mental health or  
3 substance-related disorder services according to the requirements of the appropriate  
4 professional board;

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

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

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

14 (5) A private therapeutic group home as defined in § 10-920 of this article.

15 **(C) (1) THE SECRETARY MAY NOT ISSUE A LICENSE UNDER THIS**  
16 **SUBTITLE TO AN OPIOID MAINTENANCE THERAPY PROGRAM UNLESS THE**  
17 **SECRETARY GIVES THE NOTICE REQUIRED IN THIS SUBSECTION.**

18 **(2) BEFORE THE SECRETARY ISSUES A LICENSE TO AN OPIOID**  
19 **MAINTENANCE THERAPY PROGRAM, THE DEPARTMENT SHALL GIVE NOTICE OF THE**  
20 **LICENSE APPLICATION BY CERTIFIED MAIL TO EACH MEMBER OF THE GENERAL**  
21 **ASSEMBLY IN WHOSE DISTRICT THE OPIOID MAINTENANCE THERAPY PROGRAM**  
22 **WILL BE LOCATED.**

23 **(3) THE DEPARTMENT SHALL GIVE THE NOTICE REQUIRED UNDER**  
24 **PARAGRAPH (2) OF THIS SUBSECTION AT LEAST 30 DAYS BEFORE THE DATE OF**  
25 **APPROVAL OF THE LICENSE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2018.