

# SENATE BILL 211

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By: **Senator Waugh**

Introduced and read first time: January 18, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Behavioral Health Programs – Medical Directors – Telehealth**

3 FOR the purpose of requiring that regulations adopted under certain provisions of law  
4 regulating behavioral health programs include provisions authorizing a medical  
5 director of a behavioral health program located in a federally designated health  
6 professional shortage area to provide services through telehealth, and prohibiting a  
7 behavioral health program located in a federally designated health professional  
8 shortage area from requiring a medical director to provide services onsite; and  
9 generally relating to medical directors of behavioral health programs providing  
10 services through telehealth.

11 BY repealing and reenacting, with amendments,  
12 Article – Health – General  
13 Section 7.5–402  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2017 Supplement)

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

18 **Article – Health – General**

19 7.5–402.

20 (a) Regulations adopted under this subtitle shall include:

- 21 (1) The requirements for licensure of a behavioral health program;
- 22 (2) The process for a behavioral health program to apply for a license;
- 23 (3) A description of the behavioral health programs that are required to be

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 licensed;

2 (4) Any requirements for the governance of a behavioral health program,  
3 including [a]:

4 (I) A provision prohibiting a conflict of interest between the  
5 interests of the provider and those of the individual receiving services;

6 (II) A PROVISION AUTHORIZING A MEDICAL DIRECTOR OF A  
7 BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH  
8 PROFESSIONAL SHORTAGE AREA TO PROVIDE SERVICES THROUGH TELEHEALTH;  
9 AND

10 (III) A PROVISION PROHIBITING A BEHAVIORAL HEALTH  
11 PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL  
12 SHORTAGE AREA FROM REQUIRING A MEDICAL DIRECTOR TO BE ONSITE;

13 (5) Provisions for inspections of a behavioral health program, including  
14 inspection and copying of the records of a behavioral health program in accordance with  
15 State and federal law; and

16 (6) Provisions for denials, sanctions, suspensions, and revocations of  
17 licenses, including imposition of civil monetary penalties, and notice and an opportunity to  
18 be heard.

19 (b) (1) The Secretary may require a behavioral health program to be granted  
20 accreditation by an accreditation organization approved by the Secretary under Title 19,  
21 Subtitle 23 of this article as a condition of licensure under regulations adopted under this  
22 subtitle.

23 (2) By becoming licensed in accordance with paragraph (1) of this  
24 subsection, a program agrees to comply with all applicable standards of the accreditation  
25 organization.

26 (c) Regulations adopted under this subtitle may include provisions setting  
27 reasonable fees for applying for a license and for the issuance and renewal of licenses.

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