

Chapter 482

(Senate Bill 944)

AN ACT concerning

**Behavioral Health Programs – Outpatient Mental Health Centers – Medical Directors – ~~Psychiatric Nurse Practitioners~~**

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include provisions authorizing a psychiatric nurse practitioner to serve as a medical director of a ~~behavioral health program~~ certain outpatient mental health center, including through telehealth, ~~under certain circumstances~~; and generally relating to ~~psychiatric nurse practitioners serving as medical directors of behavioral health programs~~ medical directors at outpatient mental health centers.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 7.5–402  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

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

**Article – Health – General**

7.5–402.

(a) Regulations adopted under this subtitle shall include:

- (1) The requirements for licensure of a behavioral health program;
- (2) The process for a behavioral health program to apply for a license;
- (3) A description of the behavioral health programs that are required to be licensed;
- (4) Any requirements for the governance of a behavioral health program, including [a]:

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

(II) A PROVISION AUTHORIZING A PSYCHIATRIC NURSE PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF ~~A BEHAVIORAL HEALTH PROGRAM, INCLUDING THROUGH TELEHEALTH, IF:~~

~~1. THE PROGRAM IS LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA; OR~~

~~2. THE MEDICAL DIRECTOR ABANDONED THE PROGRAM AND THE PROGRAM HAS NO PSYCHIATRIST TO SERVE AS MEDICAL DIRECTOR AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05, INCLUDING THROUGH TELEHEALTH;~~

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, May 13, 2019.**