

# HOUSE BILL 570

J1

9lr2316  
CF SB 178

---

By: **Delegates Sample–Hughes, Barron, Crutchfield, Ghrist, Kelly, Krebs,  
R. Lewis, Patterson, and K. Young**

Introduced and read first time: February 4, 2019

Assigned to: Health and Government Operations

---

## 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 behavioral  
5 health program located in a federally designated health professional shortage area  
6 to satisfy any regulatory requirement that the medical director be on–site through  
7 the medical director’s use of telehealth; and generally relating to medical directors  
8 of behavioral health programs providing services through telehealth.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 7.5–402  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

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

### 16 **Article – Health – General**

17 7.5–402.

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

19 (1) The requirements for licensure of a behavioral health program;

20 (2) The process for a behavioral health program to apply for a license;

21 (3) A description of the behavioral health programs that are required to be  
22 licensed;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (II) A PROVISION AUTHORIZING A BEHAVIORAL HEALTH  
6 PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL  
7 SHORTAGE AREA TO SATISFY ANY REGULATORY REQUIREMENT THAT THE MEDICAL  
8 DIRECTOR BE ON-SITE THROUGH THE MEDICAL DIRECTOR'S USE OF TELEHEALTH;

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

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

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

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

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

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