

HOUSE BILL 570

J1

9lr2316
CF SB 178

By: Delegates Sample–Hughes, Barron, Crutchfield, Ghrist, Kelly, Krebs, R. Lewis, Patterson, and ~~K. Young~~ K. Young, Pendergrass, Pena–Melnik, Bagnall, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kerr, Kipke, Metzgar, Morgan, Rosenberg, Saab, and Szeliga

Introduced and read first time: February 4, 2019

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

CHAPTER _____

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~~ to satisfy any regulatory requirement that a
8 medical director be onsite through the use of telehealth by the director; and generally
9 relating to medical directors of behavioral health programs providing services
10 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 2018 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7.5-402.

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

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

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

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

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

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

11 (II) **A PROVISION AUTHORIZING A BEHAVIORAL HEALTH**
12 **PROGRAM ~~LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL~~**
13 **~~SHORTAGE AREA~~ TO SATISFY ANY REGULATORY REQUIREMENT THAT THE MEDICAL**
14 **DIRECTOR BE ~~ON-SITE~~ ONSITE THROUGH THE ~~MEDICAL DIRECTOR'S~~ USE OF**
15 **TELEHEALTH BY THE DIRECTOR;**

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

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

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

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

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

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