

HOUSE BILL 1122

J1

9lr2727

By: Delegates Hornberger, Buckel, Kipke, ~~and Patterson~~ Patterson, Pena-Melnyk, Bagnall, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kerr, Krebs, R. Lewis, Metzgar, Morgan, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 Behavioral Health Programs – Outpatient Mental Health Centers –
3 Requirements for Medical Directors

4 FOR the purpose of requiring ~~certain outpatient mental health centers to employ a medical~~
5 ~~director who is a licensed psychiatrist or psychiatric nurse practitioner, has certain~~
6 ~~responsibility for certain services, and is on site for at least a certain number of~~
7 ~~hours per week~~ that regulations adopted under certain provisions of law regulating
8 behavioral health programs include provisions authorizing a psychiatric nurse
9 practitioner to serve as a medical director of a certain outpatient mental health
10 center, including through telehealth; and generally relating to ~~requirements for~~
11 ~~medical directors at outpatient mental health centers.~~

12 BY ~~adding to~~ repealing and reenacting, with amendments,

13 Article – Health – General

14 Section ~~10-905~~ 7.5-402

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2018 Supplement)

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

19 **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 ~~10-905.~~

2 ~~AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE~~
 3 ~~WITH COMAR 10.63.03.05 SHALL EMPLOY A MEDICAL DIRECTOR WHO:~~

4 ~~(1) IS A LICENSED PSYCHIATRIST OR PSYCHIATRIC NURSE~~
 5 ~~PRACTITIONER;~~

6 ~~(2) HAS OVERALL RESPONSIBILITY FOR CLINICAL SERVICES; AND~~

7 ~~(3) IS ON-SITE AT LEAST 20 HOURS PER WEEK.~~

8 7.5-402.

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

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

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

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

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

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

18 (II) A PROVISION AUTHORIZING A PSYCHIATRIC NURSE
 19 PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF AN OUTPATIENT MENTAL
 20 HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05,
 21 INCLUDING THROUGH TELEHEALTH;

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

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

28 (b) (1) The Secretary may require a behavioral health program to be granted
 29 accreditation by an accreditation organization approved by the Secretary under Title 19,

1 Subtitle 23 of this article as a condition of licensure under regulations adopted under this
2 subtitle.

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.