

SENATE BILL 178

J1
SB 211/18 – FIN

9lr1366
CF HB 570

By: **Senator Eckardt**

Introduced and read first time: January 23, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 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 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 to satisfy~~
9 any regulatory requirement that a medical director be onsite through the use of
10 telehealth by the director; and generally relating to medical directors of behavioral
11 health programs providing services through telehealth.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 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**

20 7.5–402.

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.



(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 MEDICAL DIRECTOR OF A BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA TO PROVIDE SERVICES THROUGH TELEHEALTH; AND~~

~~(III) A PROVISION PROHIBITING A BEHAVIORAL HEALTH PROGRAM LOCATED IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA FROM REQUIRING A MEDICAL DIRECTOR TO BE ONSITE TO SATISFY ANY REGULATORY REQUIREMENT THAT A MEDICAL DIRECTOR BE ONSITE THROUGH THE USE OF TELEHEALTH BY THE DIRECTOR;~~

(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.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.