

SENATE BILL 944

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9lr3119

By: **Senator Eckardt**

Introduced and read first time: February 15, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Behavioral Health Programs – Medical Directors – Psychiatric Nurse**
3 **Practitioners**

4 FOR the purpose of requiring that regulations adopted under certain provisions of law
5 regulating behavioral health programs include provisions authorizing a psychiatric
6 nurse practitioner to serve as a medical director of a behavioral health program,
7 including through telehealth, under certain circumstances; and generally relating to
8 psychiatric nurse practitioners serving as medical directors of behavioral health
9 programs.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 7.5–402
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

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

17 **Article – Health – General**

18 7.5–402.

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

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

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

22 (3) A description of the behavioral health programs that are required to be
23 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 PSYCHIATRIC NURSE
6 PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF A BEHAVIORAL HEALTH
7 PROGRAM, INCLUDING THROUGH TELEHEALTH, IF:

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

10 2. THE MEDICAL DIRECTOR ABANDONED THE PROGRAM
11 AND THE PROGRAM HAS NO PSYCHIATRIST TO SERVE AS MEDICAL DIRECTOR;

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

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

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

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

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

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