

# SENATE BILL 944

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9lr3119

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By: **Senator Eckardt**

Introduced and read first time: February 15, 2019

Assigned to: Rules

Re-referred to: Finance, February 22, 2019

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Behavioral Health Programs – Outpatient Mental Health Centers – Medical**  
3 **Directors – ~~Psychiatric Nurse 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 certain outpatient mental health center, including through telehealth, ~~under certain~~  
8 ~~circumstances~~; and generally relating to ~~psychiatric nurse practitioners serving as~~  
9 ~~medical directors of behavioral health programs~~ medical directors at outpatient  
10 mental health centers.

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**

19 7.5–402.

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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 PSYCHIATRIC NURSE PRACTITIONER TO SERVE AS A MEDICAL DIRECTOR OF ~~A BEHAVIORAL HEALTH PROGRAM, INCLUDING THROUGH TELEHEALTH, IF:~~

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

~~2. THE MEDICAL DIRECTOR ABANDONED THE PROGRAM AND THE PROGRAM HAS NO PSYCHIATRIST TO SERVE AS MEDICAL DIRECTOR AN OUTPATIENT MENTAL HEALTH CENTER ACCREDITED IN ACCORDANCE WITH COMAR 10.63.03.05, INCLUDING THROUGH TELEHEALTH;~~

(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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.