

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1122

(Delegate Hornberger, *et al.*)

Health and Government Operations

Finance

Behavioral Health Programs – Outpatient Mental Health Centers – Medical
Directors

This bill requires the Maryland Department of Health (MDH) to adopt regulations to authorize a psychiatric nurse practitioner to serve as a medical director of an outpatient mental health center that is accredited in accordance with regulations, including through the use of telehealth.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: The bill is unlikely to affect local government finances or operations.

Small Business Effect: Meaningful.

Analysis

Current Law: Under Maryland regulations (COMAR 10.63.03.05), in order to be licensed, an outpatient mental health center must provide regularly scheduled outpatient mental health treatment services in a community-based setting and provide, at a minimum, individual, group, and family therapy and medication management. An outpatient mental health center must also employ a medical director who (1) is a *psychiatrist*; (2) has overall responsibility for clinical services; and (3) is on-site for at least 20 hours per week.

Background: According to a 2017 report by the National Council Medical Director Institute, the pool of psychiatrists working with public sector and insured populations

declined by 10% between 2003 and 2013, due in part to aging of the workforce, low rates of reimbursement, burnout, burdensome documentation requirements, and restrictive regulations around sharing clinical information necessary to coordinate care. The report noted that, nationally, 77% of counties are underserved by psychiatrists, and there is a 6.4% shortage in the psychiatry workforce, which is anticipated to grow to as much as 25% by 2025.

Outpatient mental health centers are required to have a medical director who is a psychiatrist. Due to the shortage of psychiatrists, especially in rural areas of the State, some facilities have difficulty recruiting and retaining medical directors. The bill allows a psychiatric nurse practitioner to serve as medical director, thereby relieving such facilities from the requirement to have a psychiatrist as medical director.

Small Business Effect: Small business outpatient mental health centers may be able to more easily recruit medical directors as MDH is required to adopt regulations expanding the available recruitment pool to include psychiatric nurse practitioners, including through the use of telehealth.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Council Medical Director Institute; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2019
mm/jc Third Reader - March 22, 2019
Revised - Amendment(s) - March 22, 2019
Enrolled - April 9, 2019
Revised - Amendment(s) - April 9, 2019

Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510