

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 521
Finance

(Senator McCray, *et al.*)

Behavioral Health - Opioid Treatment Services Programs - Medical Director

This bill requires an “opioid treatment services program” to be under the direction of at least one on-site medical director, who must be on-site at least 20 hours per week. The on-site requirement may not be satisfied through telehealth.

Fiscal Summary

State Effect: The Behavioral Health Administration can alter relevant regulations with existing budgeted resources. Revenues are not affected.

Local Effect: Expenditures increase, potentially significantly, for local health departments (LHDs) with opioid treatment services programs, as discussed below. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Under § 21-2A-01 of the Health-General Article, “opioid treatment services program” means a program that:

- is certified or licensed by the State, as specified;
- is authorized to treat patients with opioid dependence with a medication approved by the U.S. Food and Drug Administration for opioid dependence;
- complies with specified State and federal regulations and specified requirements for the secure storage and accounting of opioid medication; and

- has been granted a certification for operation by the Maryland Department of Health, the federal Substance Abuse and Mental Health Services Administration, and the federal Center for Substance Abuse Treatment.

Under Maryland regulations (COMAR 10.47.02.11), an *opioid maintenance therapy program* must have a medical director who is a physician and who:

- has three years documented experience providing services to persons who are addicted to alcohol or other drugs, including at least one year of experience in the treatment of opioid addiction with opioid maintenance therapy;
- meets at least one of the following criteria: (1) has been continuously employed as the medical director for opioid maintenance therapy programs from or before August 1, 2002; (2) is certified in addiction medicine by the American Society of Addiction Medicine; (3) is certified in added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.; or (4) is certified in added qualifications in addiction medicine by the appropriate specialty board of the American Osteopathic Association; and
- takes an active part in interdisciplinary team meetings at least every two weeks.

Under Maryland regulations (COMAR 10.63.03.19), an *opioid treatment service* is one that is under the direction of a medical director who is a physician and:

- has at least three years of documented experience providing services to persons with substance-related disorders and opioid use disorders, including at least one year of experience in the treatment of opioid use disorder with opioid maintenance therapy and is board-certified in addiction medicine or addiction psychiatry; or
- is certified in added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.

Local Expenditures: There are approximately five LHDs with opioid treatment services programs operating at this time. Currently, LHDs have part-time medical directors who are not on-site for at least 20 hours per week. To the extent that an LHD has to hire a new medical director or increase the salary for an existing medical director to meet the 20-hour per week on-site requirement, costs increase, potentially significantly. *For illustrative purposes only*, the minimum salary level to hire a medical director is \$182,000 per year. The Maryland Association of County Health Officers estimates that this cost would make the operations of LHD opioid treatment services programs unsustainable, particularly in rural jurisdictions.

Small Business Effect: Expenditures increase, potentially significantly, for small businesses with opioid treatment services programs to the extent such programs have to ensure a medical director is on-site for a minimum of 20 hours per week.

Additional Comments: State regulations address both opioid maintenance therapy programs and opioid treatment services, as noted above. This analysis assumes that the bill applies to both programs and services.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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