

SENATE BILL 96

J1, J3

1lr0549

(PRE-FILED)

By: **Senator McCray**

Requested: August 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Behavioral Health Programs and Health Care Facilities – Safety**
3 **and Community Relations Plans**

4 FOR the purpose of requiring that the regulations adopted by the Behavioral Health
5 Administration under certain provisions of law governing requirements for the
6 licensure of behavioral health programs include a requirement that a behavioral
7 health program establish and implement a certain safety plan before being issued a
8 license; requiring a behavioral health program to submit a certain community
9 relations plan to the Administration under certain circumstances; providing that the
10 Administration or the Maryland Department of Health may authorize a behavioral
11 health program or a certain facility to satisfy a certain requirement in a certain
12 manner; requiring the Department to require that a certain facility establish and
13 implement a certain safety plan and, under certain circumstances, a certain
14 community relations plan before the Department approves the facility; and generally
15 relating to safety and community relations plans for behavioral health programs and
16 health care facilities.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 7.5–402
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

22 BY adding to

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.



1 Article – Health – General
2 Section 19–1C–01 to be under the new subtitle “Subtitle 1C. Safety and Community
3 Relations Plans”
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Health – General
8 Section 19–2301(a) and (b)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2020 Supplement)

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

13 **Article – Health – General**

14 7.5–402.

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

16 (1) The requirements for licensure of a behavioral health program,
17 **INCLUDING A REQUIREMENT THAT THE BEHAVIORAL HEALTH PROGRAM ESTABLISH**
18 **AND IMPLEMENT A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**
19 **THE BEHAVIORAL HEALTH PROGRAM;**

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

21 (3) A description of the behavioral health programs that are required to be
22 licensed;

23 (4) Any requirements for the governance of a behavioral health program,
24 including:

25 (i) A provision prohibiting a conflict of interest between the
26 interests of the provider and those of the individual receiving services;

27 (ii) A provision authorizing a behavioral health program licensed as
28 an outpatient mental health center to satisfy any regulatory requirement that the medical
29 director be on site through the use of telehealth by the director; and

30 (iii) A provision authorizing a psychiatric nurse practitioner to serve
31 as a medical director of an outpatient mental health center accredited in accordance with
32 COMAR 10.63.03.05, including through telehealth;

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

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

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

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

14 **(3) IF A BEHAVIORAL HEALTH PROGRAM IS REQUIRED TO BE**
15 **GRANTED ACCREDITATION AS A CONDITION OF LICENSURE UNDER PARAGRAPH (1)**
16 **OF THIS SUBSECTION AND THE ACCREDITATION ORGANIZATION REQUIRES THE**
17 **BEHAVIORAL HEALTH PROGRAM TO ADOPT A COMMUNITY RELATIONS PLAN, THE**
18 **BEHAVIORAL HEALTH PROGRAM SHALL SUBMIT THE COMMUNITY RELATIONS PLAN**
19 **TO THE ADMINISTRATION.**

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

22 **(D) THE ADMINISTRATION MAY AUTHORIZE A BEHAVIORAL HEALTH**
23 **PROGRAM TO SATISFY THE SAFETY PLAN REQUIREMENT UNDER SUBSECTION (A)(1)**
24 **OF THIS SECTION BY IMPLEMENTING A SAFETY PLAN ESTABLISHED FOR THE**
25 **BEHAVIORAL HEALTH PROGRAM FOR ANOTHER PURPOSE.**

26 **SUBTITLE 1C. SAFETY AND COMMUNITY RELATIONS PLANS.**

27 **19-1C-01.**

28 **(A) BEFORE THE DEPARTMENT APPROVES THE OPERATION OF A FACILITY**
29 **UNDER THIS TITLE, INCLUDING BY GRANTING A LICENSE TO THE FACILITY, THE**
30 **DEPARTMENT SHALL REQUIRE THE FACILITY TO ESTABLISH AND IMPLEMENT:**

31 **(1) A SAFETY PLAN FOR THE SAFETY OF THE INDIVIDUALS SERVED BY**
32 **THE FACILITY; AND**

33 **(2) A COMMUNITY RELATIONS PLAN, IF THE FACILITY IS:**

1 (I) ACCREDITED BY AN ACCREDITATION ORGANIZATION, AS
2 DEFINED IN § 19-2301 OF THIS TITLE; AND

3 (II) REQUIRED BY THE ACCREDITATION ORGANIZATION TO
4 ESTABLISH AND IMPLEMENT A COMMUNITY RELATIONS PLAN.

5 (B) THE DEPARTMENT MAY AUTHORIZE A FACILITY TO SATISFY THE
6 REQUIREMENT UNDER:

7 (1) SUBSECTION (A)(1) OF THIS SECTION BY IMPLEMENTING A
8 SAFETY PLAN ESTABLISHED FOR THE FACILITY FOR ANOTHER PURPOSE,
9 INCLUDING AN EMERGENCY PLAN; AND

10 (2) SUBSECTION (A)(2) OF THIS SECTION BY IMPLEMENTING THE
11 COMMUNITY RELATIONS PLAN REQUIRED BY THE ACCREDITATION ORGANIZATION.

12 19-2301.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) "Accreditation organization" means a private entity that conducts inspections
15 and surveys of health care facilities or health care staff agencies based on nationally
16 recognized and developed standards.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.