

Chapter 29

(House Bill 1121 of the 2020 Regular Session)

AN ACT concerning

Maryland Mental Health and Substance Use Disorder Registry and Referral System

FOR the purpose of establishing the Maryland Mental Health and Substance Use Disorder Registry and Referral System in the Maryland Department of Health; providing for the purpose of the Registry and Referral System; requiring, subject to the availability of funds, the Department to develop and implement the Registry and Referral System in collaboration with a certain entity; requiring the Registry and Referral System to include certain elements; requiring the Department to determine the appropriate technology to support the operation of the Registry and Referral System and to consider certain factors when determining the appropriate technology; establishing the Maryland Mental Health and Substance Use Disorder Registry and Referral System Advisory Committee; providing for the membership of the Advisory Committee; requiring the Advisory Committee to make certain recommendations to the Department; requiring the Advisory Committee to report to certain committees of the General Assembly on or before a certain date each year; ~~providing for the funding of the Registry and Referral System~~ requiring the Department to adopt certain regulations; requiring hospitals to ensure the availability of staff for a certain purpose; requiring, on or before a certain date, the Department, in collaboration with a certain entity, to develop and make available a certain resource directory, develop a certain pilot program, develop a certain plan, and report to certain committees of the General Assembly; defining certain terms; and generally relating to the Maryland Mental Health and Substance Use Disorder Registry and Referral System.

BY adding to

Article – Health – General

Section 7.5–801 and 7.5–802 to be under the new subtitle “Subtitle 8. Maryland Mental Health and Substance Use Disorder Registry and Referral System”

Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Health – General**SUBTITLE 8. MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER
REGISTRY AND REFERRAL SYSTEM.****7.5–801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADVISORY COMMITTEE” MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

(C) “REGISTRY AND REFERRAL SYSTEM” MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM.

(D) “STATE-DESIGNATED HEALTH INFORMATION EXCHANGE” MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE MARYLAND HEALTH CARE COMMISSION UNDER § 19-143 OF THIS ARTICLE.

7.5-802.

(A) (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE REGISTRY AND REFERRAL SYSTEM IS TO PROVIDE A STATEWIDE SYSTEM THROUGH WHICH HEALTH CARE PROVIDERS CAN IDENTIFY AND ACCESS AVAILABLE INPATIENT AND OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES FOR PATIENTS IN A SEAMLESS MANNER.

(3) ~~THE~~ SUBJECT TO THE AVAILABILITY OF FUNDS, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE REGISTRY AND REFERRAL SYSTEM, IN COLLABORATION WITH THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.

(4) THE REGISTRY AND REFERRAL SYSTEM SHALL INCLUDE:

(I) A SEARCHABLE INVENTORY OF ANY PROVIDER OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES, INCLUDING INPATIENT, CRISIS, AND OUTPATIENT SERVICES;

(II) THE CAPABILITY TO ALLOW A PROVIDER OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES TO UPDATE REGISTRY INFORMATION INCLUDING THE REAL-TIME AVAILABILITY OF SERVICES; AND

(III) AN ELECTRONIC REFERRAL SYSTEM THAT IS AVAILABLE TO ANY HEALTH CARE PROVIDER IN THE STATE TO FACILITATE ELECTRONIC REFERRALS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS.

(B) THE DEPARTMENT SHALL:

(1) DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE OPERATION OF THE REGISTRY AND REFERRAL SYSTEM; AND

(2) TO THE EXTENT PRACTICABLE, CONSIDER EXISTING TECHNOLOGY OPERATED BY THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE, WORKFLOW OF PROVIDERS, AND PRACTICES OF PROVIDERS WHEN DETERMINING THE APPROPRIATE TECHNOLOGY FOR THE REGISTRY AND REFERRAL SYSTEM.

~~(B)~~ (C) (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

(2) THE ADVISORY COMMITTEE SHALL ADVISE THE DEPARTMENT ON THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

(3) THE ADVISORY COMMITTEE SHALL INCLUDE:

(I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE;

(II) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES, OR THE DEPUTY SECRETARY'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(IV) ONE REPRESENTATIVE FROM THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE, DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION~~ WITH EXPERTISE IN HEALTH INFORMATION TECHNOLOGY, DESIGNATED BY THE MARYLAND CHAPTER OF THE HEALTHCARE INFORMATION AND MANAGEMENT SYSTEMS SOCIETY;

(V) PROVIDERS OF MENTAL HEALTH AND SUBSTANCE USE SERVICES; AND

(VI) ANY OTHER REPRESENTATIVES CONSIDERED NECESSARY BY THE DEPARTMENT TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

(4) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING TO THE DESIGN, DEVELOPMENT, IMPLEMENTATION, AND FUNDING OF THE REGISTRY AND REFERRAL SYSTEM ON:

(I) NECESSARY REGULATIONS;

(II) THE STATUS OF THE RESOURCE DIRECTORY AND PILOT PROGRAM DEVELOPED BY THE DEPARTMENT; AND

(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS.

~~(4)~~ **(5) ON OR BEFORE JANUARY 1 EACH YEAR, THE ADVISORY COMMITTEE SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.**

~~(C) THE REGISTRY AND REFERRAL SYSTEM SHALL BE FUNDED BY:~~

~~(1) THE HEALTH SERVICES COST REVIEW COMMISSION; OR~~

~~(2) ANY OTHER AVAILABLE FUNDING SOURCE.~~

(D) EACH HOSPITAL SHALL ENSURE THE AVAILABILITY OF STAFF TO IDENTIFY APPROPRIATE AND AVAILABLE SERVICES FOR PATIENTS IN THE HOSPITAL WHO ARE IN NEED OF MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES AND TO ASSIST THE PATIENT IN ACCESSING THE SERVICES.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the Maryland Department of Health, in collaboration with the State-designated Health Information Exchange, shall:

(1) develop and make available a resource directory of mental health and substance use disorder providers' inventory ~~that~~

~~(i) tracks inventory of services by type, location, and organization;~~
and

~~(ii) is available to the public;~~

(2) develop a registry and referral system pilot program in at least two jurisdictions in the State to assess the feasibility and necessity of mandating all inpatient and outpatient mental health and substance use disorder providers to update registry information in real time; ~~and~~

(3) develop a plan for funding the statewide expansion of the Maryland Mental Health and Substance Use Disorder Registry and Referral System established under § 7.5–802 of the Health – General Article, as enacted by Section 1 of this Act, and ongoing operations of the Registry and Referral System; and

~~(3)~~ (4) report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on:

(i) the development of the resource directory required under item (1) of this section; ~~and~~

(ii) the development of the pilot program required under item (2) of this section; and

(iii) recommendations for enforcement mechanisms to be applied to providers who are mandated to use the Maryland Mental Health and Substance Use Disorder Registry and Referral System established under § 7.5–802 of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Gubernatorial Veto Override, February 12, 2021.