

Chapter 801

**(Senate Bill 96)**

AN ACT concerning

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

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

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

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

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

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

**Article – Health – General**

7.5–402.

(a) Regulations adopted under this subtitle shall include:

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

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

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

(iii) A provision authorizing a psychiatric nurse practitioner to serve as a medical director of 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.

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

(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.

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

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

##### **19-1C-01.**

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

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

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

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

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

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

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

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

19–2301.

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.**