HOUSE BILL 684

By: Delegate Bagnall
Introduced and read first time: January 31, 2022
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Maryland Medical Assistance Program – Psychiatric Inpatient Care –
Admissions Restrictions
(Psychiatric Hospital Admissions Equity Act)

5 FOR the purpose of prohibiting the Maryland Department of Health from limiting or
restricting admission of a Maryland Medical Assistance Program recipient for
inpatient care at a special psychiatric hospital or an acute general care hospital with
separately identified inpatient psychiatric service except under certain
circumstances; and generally relating to restrictions on admissions for psychiatric
inpatient care and the Maryland Medical Assistance Program.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 15–103.6(a)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Health – General
18 Section 15–103.8
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

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

23 Article – Health – General

24 15–103.6.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(a) (1) Subject to paragraph (2) of this subsection, on or before June 30, 2017, the Department shall adopt regulations necessary to ensure that the Program is in compliance with the federal Mental Health Parity and Addiction Equity Act and the federal Patient Protection and Affordable Care Act.

(2) [The] EXCEPT AS PROVIDED IN § 15–103.8 OF THIS SUBTITLE, THE Department is not required to adopt regulations under paragraph (1) of this subsection for any change that may be made through a process other than the regulatory process.

15–103.8.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY NOT LIMIT OR RESTRICT A PROGRAM RECIPIENT’S ADMISSION FOR INPATIENT CARE AT A SPECIAL PSYCHIATRIC HOSPITAL OR AN ACUTE GENERAL CARE HOSPITAL WITH SEPARATELY IDENTIFIED INPATIENT PSYCHIATRIC SERVICE UNLESS THE DEPARTMENT:

(1) BASES THE LIMIT OR RESTRICTION ON THE MEDICAL NECESSITY OF THE ADMISSION; AND

(2) ESTABLISHES THE LIMIT OR RESTRICTION THROUGH REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.