

HOUSE BILL 1153

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3lr1708
CF SB 794

By: **Delegates Adams and Hutchinson**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Behavioral Health Programs – Residential Programs – Food Service Facility**
3 **Requirements**

4 FOR the purpose of prohibiting regulations adopted by the Maryland Department of
5 Health from requiring certain residential programs to comply with certain food
6 service facility regulations if the residential program has less than a certain
7 number of residents; and generally relating to food service facility requirements
8 and residential programs.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 7.5–401
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 7.5–402
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

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

21 **Article – Health – General**

22 7.5–401.

23 (a) Except as otherwise provided in this section, a behavioral health program
24 shall be licensed by the Secretary before program services may be provided in this State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Secretary may exempt the following persons from the licensure
2 requirements of this section:

3 (1) A health professional, in either solo or group practice, who is licensed
4 under the Health Occupations Article and who is providing mental health or
5 substance-related disorder services according to the requirements of the appropriate
6 professional board;

7 (2) Alcoholics Anonymous, Narcotics Anonymous, recovery residences,
8 peer support services, family support services, or other similar organizations, if the
9 organization holds meetings or provides support services but does not provide any type of
10 treatment;

11 (3) An employees' assistance program of a business entity;

12 (4) Outpatient behavioral health treatment and rehabilitation services
13 provided in a regulated space in a hospital, as defined in § 19-301 of this article, if the
14 services are accredited by an approved accreditation organization under its behavioral
15 health standards; or

16 (5) A private therapeutic group home as defined in § 10-920 of this
17 article.

18 7.5-402.

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

20 (1) The requirements for licensure of a behavioral health program,
21 including a requirement that the behavioral health program:

22 (i) 1. Establish and implement a safety plan for the safety of
23 the individuals served by the behavioral health program; or

24 2. Implement a safety or emergency plan established for the
25 program for another purpose; and

26 (ii) Revise the safety plan not less than every 5 years;

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

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

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

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

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

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

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

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

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

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

22 (3) If a behavioral health program is required to be granted accreditation
23 as a condition of licensure under paragraph (1) of this subsection and the accreditation
24 organization requires the behavioral health program to adopt a community relations plan,
25 the behavioral health program shall submit the community relations plan to the
26 Administration.

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

29 (d) The Administration may authorize a behavioral health program to satisfy
30 the safety plan requirement under subsection (a)(1) of this section by implementing a
31 safety plan established for the behavioral health program for another purpose.

32 **(E) REGULATIONS ADOPTED UNDER THIS SUBTITLE MAY NOT REQUIRE A**
33 **RESIDENTIAL PROGRAM TO COMPLY WITH FOOD SERVICE FACILITY REGULATIONS**
34 **UNDER COMAR 10.15.03 IF THE RESIDENTIAL PROGRAM HAS FEWER THAN 17**
35 **RESIDENTS AND IS LICENSED UNDER:**

- 1 **(1) COMAR 10.63.03.11;**
- 2 **(2) COMAR 10.63.03.12;**
- 3 **(3) COMAR 10.63.03.13; OR**
- 4 **(4) COMAR 10.63.03.14.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 2023.