

HOUSE BILL 1198

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By: Delegates Howard, Adams, Arentz, Bagnall, Baker, Boaf, Buckel, Fennell, Harrison, Hinebaugh, Hornberger, Ivey, Kipke, Mangione, McComas, Miller, Mireku-North, T. Morgan, Munoz, Taveras, Taylor, Tomlinson, and Wivell

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Drug and Alcohol Treatment Programs – Discharge of Patients and Referral**
3 **Services – Standards**

4 FOR the purpose of requiring the Maryland Department of Health to establish by
5 regulation standards relating to the discharge of patients from drug and alcohol
6 treatment programs and certain referral services offered to patients by certain drug
7 and alcohol treatment programs; and generally relating to the Maryland Department
8 of Health and standards applicable to drug and alcohol treatment programs in the
9 State.

10 BY adding to

11 Article – Health – General

12 Section 7.5–402.1

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Health – General**

18 **7.5–402.1.**

19 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (1) “ASAM LEVEL 3.1 SERVICES” HAS THE MEANING STATED IN §

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7.5-601 OF THIS TITLE.**

2 **(2) "TREATMENT PROGRAM" MEANS AN ENTITY THAT:**

3 **(I) PROVIDES TREATMENT, CARE, OR REHABILITATION FOR**
4 **PATIENTS WHO SHOW THE EFFECTS OF DRUG OR ALCOHOL ABUSE;**

5 **(II) REPRESENTS OR ADVERTISES ITSELF AS AN ALCOHOL OR**
6 **OTHER DRUG ABUSE TREATMENT PROGRAM; AND**

7 **(III) IS REQUIRED TO OBTAIN A CERTIFICATION FROM THE**
8 **ADMINISTRATION TO PROVIDE DRUG AND ALCOHOL TREATMENT SERVICES IN THE**
9 **STATE.**

10 **(B) (1) THE DEPARTMENT SHALL ESTABLISH BY REGULATION**
11 **STANDARDS FOR THE DISCHARGE OF PATIENTS FROM TREATMENT PROGRAMS.**

12 **(2) THE STANDARDS ESTABLISHED IN REGULATION UNDER**
13 **PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

14 **(I) REQUIRE THAT A DISCHARGE FROM A TREATMENT**
15 **PROGRAM BE APPROPRIATE FOR THE PATIENT'S MENTAL HEALTH OR SUBSTANCE**
16 **USE DISORDER DIAGNOSIS;**

17 **(II) 1. PROHIBIT A TREATMENT PROGRAM FROM**
18 **DISCHARGING PATIENT IF THE PATIENT:**

19 **A. WILL BE HOMELESS OR RESIDE IN A HOMELESS**
20 **SHELTER ON DISCHARGE; AND**

21 **B. NEEDS TO RECEIVE CARE IN A RESIDENTIAL**
22 **PROGRAM BASED ON THE ASSESSMENT CONDUCTED OR UNDER THE TREATMENT**
23 **PLAN PREPARED FOR THE PATIENT; AND**

24 **2. REQUIRE A TREATMENT PROGRAM TO REFER THE**
25 **PATIENT WHO MEETS THE CRITERIA UNDER ITEM 1 OF THIS ITEM TO RECEIVE CARE**
26 **IN A HALFWAY HOUSE THAT PROVIDES ASAM LEVEL 3.1 SERVICES OR AN**
27 **APPROPRIATE RECOVERY RESIDENCE IF THE PATIENT IS WILLING RECEIVE THIS**
28 **LEVEL OF CARE;**

29 **(III) BEFORE OR AT THE TIME OF DISCHARGE, REQUIRE A**
30 **TREATMENT PROGRAM TO REFER AND FACILITATE ENTRY OF A PATIENT INTO A**
31 **PROGRAM OR SERVICE IDENTIFIED AS A NEED FOR THE PATIENT UNDER THE**

1 ASSESSMENT CONDUCTED OR UNDER THE TREATMENT PLAN PREPARED FOR THE
2 PATIENT, INCLUDING PROGRAMS OR SERVICES TO:

- 3 1. ADDRESS NEEDS RELATING TO:
 - 4 A. PHYSICAL AND MENTAL HEALTH;
 - 5 B. EMPLOYMENT OR FINANCIAL SUPPORT;
 - 6 C. DRUG AND ALCOHOL TREATMENT AT THE ASAM
7 LEVEL APPROPRIATE FOR THE PATIENT;
 - 8 D. LEGAL REPRESENTATION AND ASSISTANCE;
 - 9 E. FAMILY AND SOCIAL MATTERS; AND
 - 10 F. EDUCATION; AND

11 2. PROVIDE APPROPRIATE INDIVIDUALIZED
12 INTERVENTIONS FOR THE PATIENT, INCLUDING:

- 13 A. SHORT- AND LONG-RANGE TREATMENT;
- 14 B. CLINICAL SERVICES, INCLUDING INDIVIDUAL,
15 GROUP, AND FAMILY COUNSELING;
- 16 C. SELF-HELP GROUPS; AND
- 17 D. OTHER ANCILLARY SERVICES SPECIFIED IN THE
18 TREATMENT PLAN;

19 (IV) IF THE PATIENT IS TRANSITIONING FROM ONE
20 RESIDENTIAL TREATMENT PROGRAM TO ANOTHER RESIDENTIAL TREATMENT
21 PROGRAM, REQUIRE THAT THE REFERRAL FOR ANY OUTPATIENT SERVICES LISTED
22 UNDER ITEM (III) OF THIS ITEM AND NOT PROVIDED BY THE RECEIVING TREATMENT
23 PROGRAM BE IN PLACE BEFORE THE TRANSFER OF THE PATIENT TO THE RECEIVING
24 TREATMENT PROGRAM; AND

25 (V) IF THE PATIENT IS TRANSITIONING TO A HOMELESS
26 SHELTER, REQUIRE THAT THE REFERRAL FOR ANY OUTPATIENT SERVICES LISTED
27 UNDER ITEM (III) OF THIS ITEM AND NOT PROVIDED BY THE HOMELESS SHELTER BE
28 IN PLACE BEFORE THE TRANSFER OF THE PATIENT TO THE HOMELESS SHELTER.

1 **(C) (1) THIS SUBSECTION APPLIES TO:**

2 **(I) AN ASAM LEVEL 3.3 CLINICALLY MANAGED MEDIUM**
3 **INTENSITY TREATMENT PROGRAM; AND**

4 **(II) AN ASAM LEVEL 3.5 CLINICALLY MANAGED HIGH**
5 **INTENSITY RESIDENTIAL PROGRAM.**

6 **(2) THE DEPARTMENT SHALL ESTABLISH BY REGULATION**
7 **STANDARDS FOR REFERRAL SERVICES OFFERED TO PATIENTS BY TREATMENT**
8 **PROGRAMS SUBJECT TO THIS SUBSECTION.**

9 **(3) THE STANDARDS ESTABLISHED BY REGULATION UNDER**
10 **PARAGRAPH (2) OF THIS SUBSECTION SHALL:**

11 **(I) 1. REQUIRE A TREATMENT PROGRAM TO IMPLEMENT AN**
12 **AGREEMENT REFERRING A PATIENT TO RECEIVE SERVICES WITHIN 3 WORKING**
13 **DAYS OF SIGNING AN INDIVIDUALIZED TREATMENT PLAN WHEN THE PLAN INCLUDES**
14 **REFERRAL SERVICES FOR:**

15 **A. MEDICAL CARE;**

16 **B. SERVICES THROUGH THE MARYLAND DIVISION OF**
17 **REHABILITATION SERVICES;**

18 **C. MENTAL HEALTH SERVICES;**

19 **D. SUBSTANCE ABUSE TREATMENT;**

20 **E. LEGAL REPRESENTATION OR ASSISTANCE;**

21 **F. FAMILY SERVICES; OR**

22 **G. SOCIAL SERVICES; AND**

23 **2. REQUIRE THE INDIVIDUALIZED TREATMENT PLAN TO**
24 **INCLUDE A PLAN FOR HOW THE PATIENT WILL ACCESS THE SERVICES LISTED UNDER**
25 **ITEM 1 OF THIS ITEM; AND**

26 **(II) REQUIRE THAT TREATMENT PROGRAM REFERRAL**
27 **AGREEMENTS REMAIN VALID IN THE EVENT OF A PATIENT'S DISCHARGE FROM A**
28 **TREATMENT PROGRAM TO ENSURE THE CONTINUITY OF RECEIPT OF THE REFERRAL**
29 **SERVICES BY THE PATIENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
2 2023, the Maryland Department of Health shall submit a report to the Governor and, in
3 accordance with § 2–1257 of the State Government Article, the General Assembly that
4 includes:

5 (1) the status of the adoption and revision of regulations to implement the
6 requirements of this Act and Chapter 580 of 2017; and

7 (2) a plan for the enforcement of the statutory and regulatory requirements
8 under this Act and Chapter 580 of 2017.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2023.