

SENATE BILL 794

J3

3lr2653
CF HB 1153

By: **Senators Carozza and Mautz**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

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

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

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 7.5–401
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 7.5–402
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 7.5–401.

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

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

7 (1) A health professional, in either solo or group practice, who is licensed
8 under the Health Occupations Article and who is providing mental health or
9 substance–related disorder services according to the requirements of the appropriate
10 professional board;

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

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

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

20 (5) A private therapeutic group home as defined in § 10–920 of this article.

21 7.5–402.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(E) ~~REGULATIONS ADOPTED~~ THE DEPARTMENT SHALL ADOPT**
 2 **~~REGULATIONS UNDER THIS SUBTITLE MAY NOT REQUIRE A RESIDENTIAL PROGRAM~~**
 3 **~~TO COMPLY WITH THAT ESTABLISH FOOD SERVICE FACILITY REGULATIONS UNDER~~**
 4 **~~COMAR 10.15.03 IF THE~~ STANDARDS THAT ARE APPROPRIATE TO RESIDENTIAL**
 5 **~~PROGRAM HAS~~ PROGRAMS THAT HAVE FEWER THAN 17 RESIDENTS AND ~~IS~~ ARE**
 6 **LICENSED UNDER:**

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~
 12 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.