

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 794

(Senators Carozza and Mautz)

Finance

Health and Government Operations

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Behavioral Health Programs - Residential Programs - Food Service Facility  
Requirements

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This bill requires the Maryland Department of Health (MDH) to adopt regulations that establish food service facility standards that are appropriate to programs that have fewer than 17 residents and are licensed as a (1) residential-low intensity level 3.1 program; (2) residential-medium intensity level 3.3 program; (3) residential-high intensity level 3.5 program; or (4) residential-intensive level 3.7 program.

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Fiscal Summary

**State Effect:** MDH can likely adopt regulations within existing budgeted resources. Revenues are not affected.

**Local Effect:** Any change in local operations pursuant to the bill do not materially affect local finances.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law:** Exhibit 1 details the licensure requirements for residential-low intensity level 3.1, residential-medium intensity level 3.3, residential-high intensity level 3.5, and residential-intensive level 3.7 programs.

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**Exhibit 1**  
**Residential Treatment Programs Specified under the Bill**

| <u><b>Program Type</b></u>                                        | <u><b>Licensure Requirements</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential – Low Intensity <sup>1,2</sup><br>(ASAM Level 3.1)    | <ul style="list-style-type: none"><li>● provides clinically managed, substance-related disorder treatment in large and small halfway houses;</li><li>● to individuals capable of self-care but not ready to return to family or independent living; and</li><li>● minimum of five hours per week of services directed toward preventing a relapse, applying recovery services, and reintegrating into the community.</li></ul>                                                                                                                                                                                                                                                                                           |
| Residential – Medium Intensity <sup>1,2</sup><br>(ASAM Level 3.3) | <ul style="list-style-type: none"><li>● provides clinically managed, substance-related disorder treatment in a structured environment in combination with medium-intensity treatment and ancillary services to support and promote recovery;</li><li>● to individuals who are chronically alcohol- or other drug-dependent, do not need skilled nursing care, may have a history of multiple admission to substance related disorder programs, may have physical or mental disability resulting from prolonged substance-related disorder, and have been identified as requiring a controlled environment and supportive therapy for an indefinite period of time; and</li><li>● from 20 to 35 hours per week.</li></ul> |
| Residential – High Intensity <sup>1,2</sup><br>(ASAM Level 3.5)   | <ul style="list-style-type: none"><li>● provides clinically managed substance-related disorder treatment in a highly structured environment with moderate/high-intensity treatment and ancillary services to support and promote recovery; and</li><li>● minimum of 36 hours of therapeutic services per week that are characterized by reliance on the treatment community as a therapeutic agent.</li></ul>                                                                                                                                                                                                                                                                                                            |
| Residential – Intensive <sup>1</sup><br>(ASAM Level 3.7)          | <ul style="list-style-type: none"><li>● provides medically monitored, intensive substance-related disorder treatment in a residential intermediate care facility, as specified;</li><li>● minimum of 36 hours of therapeutic services per week on a planned regimen of 24-hour evaluation, care, and treatment that meets the requirements for withdrawal management services; and</li><li>● employ a physician, nurse practitioner, or physician assistant to provide on-site monitoring and specified patient assessments.</li></ul>                                                                                                                                                                                   |

ASAM: American Society of Addiction Medicine

<sup>1</sup> Program may provide withdrawal management services, as specified, if the license specifically authorizes.

<sup>2</sup> Program may provide an opioid treatment service, as specified, if the license specifically authorizes.

Source: Department of Legislative Services

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In general, pursuant to COMAR 10.15.03, food service facilities in the State must meet standards related to, among other things, food preparation and storage, standards for equipment and utensils, and requirements for areas of food preparation and storage. The person in charge (including a licensee or another person responsible for the operation of a food service facility) must ensure that the specified requirements are met.

**Small Business Effect:** Specified residential substance-related treatment programs may benefit from the establishment of appropriate food service standards under the bill.

**Additional Comments:** MDH advises that the bill will ensure equity among licensed residential behavioral health programs because not all jurisdictions currently enforce food service facility regulations as a result of the regulations being lengthy and unclear.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 1153 (Delegate Adams, *et al.*) - Health and Government Operations.

**Information Source(s):** Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2023  
js/jc Third Reader - March 20, 2023  
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Analysis by: Amber R. Gundlach

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510