



March 11, 2020

The Honorable Shane E. Pendergrass  
House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, MD 21401

RE: Support – HB 1461: Behavioral Health Programs – Outpatient Mental Health Centers – Medical and Clinical Directors

Dear Chairman Pendergrass and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) is a state medical organization whose physician members specialize in the diagnosis, treatment, and prevention of mental illnesses including substance use disorders. Formed more than sixty years ago to support the needs of psychiatrists and their patients, MPS works to ensure available, accessible and comprehensive quality mental health resources for all Maryland citizens; and strives through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branch of the American Psychiatric Association covering the state of Maryland excluding the D.C. suburbs, MPS represents over 700 psychiatrists as well as physicians currently in psychiatric training.

MPS strongly supports House Bill 1461: Behavioral Health Programs – Outpatient Mental Health Centers – Medical and Clinical Directors. The passage of House Bill 1122 (Chapter 481) last session created a discrepancy between outpatient mental health clinics (OMHCs) providing psychiatric services and all other outpatient treatment settings. For example, nursing homes, ambulatory care surgical centers, medical laboratories, emergency medical services, and clinics that perform abortions are all required to have a "medical director" who is a licensed physician with experience in the field; yet, OMHCs are not.

HB 1461 does not seek to rescind House Bill 1122 (Chapter 481), but merely seeks to clarify that while a nurse practitioner may not hold the title of "medical director" because he/she is not a licensed physician, a nurse practitioner may be named a clinical director of that same facility. Under HB 1461, OMHCs would still be free to hire whomever they wish and current COMAR does not mandate one particular specialty over another, nor do the current regulations ensure that administrators have the requisite psychiatric training and experience. HB 1461 simply serves to ensure that OMHCs have access to, and hire, individuals best qualified to serve seriously mentally ill people with complex medical conditions. Furthermore, should HB 1461 pass, any OMHC presently employing a nurse



practitioner as a medical director would be able to retain that individual in the role of “clinical director”. Thus, the bill would enhance clinical services by providing clinically trained and skilled professionals in both roles. Finally, the bill would make OMHC regulations consistent with regulations governing other ambulatory care settings.

The Maryland Department of Health (MDH) already recognizes the differences in the duties of a medical director and a clinical director. The medical director’s description and duties outlined below are adapted from the MDH’s job description for a state hospital clinical director. Whereas, the description and duties of a clinical director outlined below are also adapted from the MDH’s job description for an assistant superintendent of a state psychiatric hospital. MPS will note that it added treatment duties to the clinical director’s role since the other stakeholders expressed exclusion from that in the clinical director amendment. Should the Committee chose to adopt a more prescriptive approach to HB 1461 and codify roles for medical and clinical directors, we suggest the following:

#### Medical Director

An OMHC medical director is responsible for the provision of clinical psychiatric services to patients who are mentally ill, chronically ill or developmentally disabled or are in need of medical and preventive treatment. The director oversees medical and psychiatric services of the clinic and supervises all other physicians or psychiatrists which may be employed by the clinic in any capacity.

Job duties:

- plans, coordinates, and supervises the work of all clinical psychiatric staff in the clinic
- establishes and implements medical guidelines, policies, procedures, standards and controls
- formulates policy and coordinates the activities of various services within the program
- collaborates and consults with the clinical director to conduct short and long range planning
- presides at diagnostic or clinical case conferences as required for specific cases
- reviews clinical records of patients to assure their adequacy and proper administration



- provides consultation and review of the clinical appropriateness of prescribed medications and laboratory tests
- prescribes medications and treatments as indicated by diagnoses
- may provide hands-on patient and clinical services
- performs other related duties as indicated

### Clinical Director

The OMHC clinical director is a managerial position in a clinic for the chronically mentally ill. The director is responsible for facility operation to include hiring and supervision of all non-physician clinical staff, and for coordinating care between the psychiatric, social work, and psychological staff. The clinical director coordinates long-term planning with the medical director and is primarily responsible for facility and program development.

#### Job duties:

- prescribes medications and treatments as indicated by diagnoses
- performs required laboratory tests to monitor pharmacologic management
- develops and implements administrative procedures and controls, participates in the formulation of facility policies, and assures operating efficiency in the facility
- prepares and presents the institution's budget including requests and amendments necessary to obtain or use available funds to carry out recommendations
- administers and coordinates federally or state supported grant projects and reimbursement
- develops, plans, and recommends capital improvement program for the institution and prepares specifications for building projects
- oversees payroll, accounting, maintenance, housekeeping, and personnel activities
- oversees all fiscal and general administrative matters in the social work, facility maintenance, and medical departments
- develops, implements and evaluates facility-related recommendations for policies and procedures



- prepares periodic budget reports
- ensures adherence to the established state and federal regulations pertaining to the management of funds and property
- performs other necessary duties as required

For all the above reasons, MPS asks for a favorable report on HB 1461. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at [tommy.tompsett@mdlobbyist.com](mailto:tommy.tompsett@mdlobbyist.com).

Respectfully submitted,  
The Legislative Action Committee for the Maryland Psychiatric Society.