



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

February 9, 2021

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
241 House Office Building
Annapolis, MD 21401-1991

**RE: House Bill 462—Residential Rehabilitation Programs - Reporting of Critical Incidents
- Letter of Information**

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for House Bill (HB) 462—Residential Rehabilitation Programs – Reporting of Critical Incidents. HB 462 requires the Secretary of Health, through the Behavioral Health Administration's (BHA) Licensing Unit, to provide the addresses for residential rehabilitation programs (RRP) in the state.

General Provisions Article § 4-329 prohibits a custodian from allowing the inspection of "personal information about an individual with, or perceived to have a disability." Section § 4-101(f) defines "personal information" to include an individual's address. Under the Americans with Disability Act (ADA), an individual with a substance use disorder is considered to have a disability. Since a RRP may be the residence of such an individual, BHA is prohibited from sharing the residential address of an RRP.

Further, notifying location agencies of an RRP before a license is issued may be considered to have a "not in my backyard" (NIMBY) effect and therefore violate the Americans with Disability Act (ADA) as discriminatory against individuals with a disability.

This requirement can be removed by striking lines 11-16 on page 2.

I hope this information is useful. If you would like to discuss this further, please do not hesitate to contact me at webster.ye@maryland.gov/ (410) 260-3190 or Heather Shek, Deputy Director of Governmental Affairs at heather.shek@maryland.gov and at the same phone number.

Sincerely,

Webster Ye
Assistant Secretary, Health Policy