HOUSE BILL 1461

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By: **Delegates Hill and Haynes**
Introduced and read first time: February 7, 2020
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Behavioral Health Programs – Outpatient Mental Health Centers – Medical and Clinical Directors

FOR the purpose of requiring that regulations adopted under certain provisions of law regulating behavioral health programs include a provision requiring that the medical director of a behavioral health program licensed as an outpatient mental health center be a licensed and appropriately trained physician; altering the requirement that regulations adopted under certain provisions of law regulating behavioral health programs include a provision authorizing a psychiatric nurse practitioner to serve as a clinical director, rather than a medical director, of a certain outpatient mental health center; defining certain terms; and generally relating to medical directors of outpatient mental health centers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7.5–101 and 7.5–402
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Health – General

7.5–101.

(a) In this title the following words have the meanings indicated.

(b) (1) "Addictive disorder" means a chronic disorder of the brain's reward–activation system in which the individual pathologically pursues reward or relief

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

by substance use or other behaviors, with diminished control, and the individual persists in the behavior despite adverse consequences.

(2) "Addictive disorder" includes gambling, which is the only nonsubstance–related addictive disorder recognized by Maryland law.

(c) "Administration" means the Behavioral Health Administration.

(d) "Behavioral health" includes substance–related disorders, addictive disorders, and mental disorders.

(e) "Behavioral health care" includes prevention, screening, early intervention, treatment, recovery, support, wraparound, and rehabilitation services, for individuals with substance–related disorders, addictive disorders, mental disorders, or a combination of these disorders.

(f) "Behavioral health program" means a substance–related disorders program, a mental health program, or an addictive disorders program, or a program that consists of more than one of these programs.

(G) "CLINICAL DIRECTOR" MEANS AN ADMINISTRATOR OR A HEALTH CARE PROVIDER WHO IS NOT PHYSICIAN AND WHO IS RESPONSIBLE FOR OPERATING EXPENSES AND BUDGET MANAGEMENT, FACILITY MAINTENANCE, SUPERVISION OF NONPHYSICIAN CLINICAL STAFF, AND HUMAN RESOURCES FOR THE FACILITY.

[(g)**] (H)** "Core service agency" means the designated county or multicounty authority that is responsible for planning, managing, and monitoring publicly funded mental health services.

[(h)**] (I)** "Director" means the Director of the Administration.

[(i)**] (J)** "Family support services" means a set of nonclinical activities provided by family members of individuals with mental health or substance–related disorders and addictive disorders to support individuals with mental health or substance–related disorders and addictive disorders or their families.

[(j)**] (K)** "Local addictions authority" means the designated county or multicounty authority that is responsible for planning, managing, and monitoring publicly funded substance–related disorders and addictive disorder services.

[(k)**] (L)** "Local behavioral health authority" means the designated county or multicounty authority that is responsible for planning, managing, and monitoring publicly funded mental health, substance–related disorder, and addictive disorder services.

(M) "MEDICAL DIRECTOR" MEANS A LICENSED PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE TO BE BOARD CERTIFIED IN PSYCHIATRY.

[(l)**] (N)** (1) "Mental disorder" means a behavioral or emotional illness that results from a psychiatric disorder.

(2) "Mental disorder" includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) "Mental disorder" does not include an intellectual disability.

[(m)**] (O)** "Mental health program" means a set of services that consists of community–based treatment, care, or rehabilitation services, or any combination of these, for individuals with a mental disorder.

[(n)**] (P)** "Peer support services" means a set of nonclinical activities provided by individuals in recovery from mental disorders, substance–related disorders, or addictive disorders who use their personal, lived experiences and training to support other individuals with mental disorders, substance–related disorders, or addictive disorders.

[(o)**] (Q)** "Recovery residence" means a service that:

(1) Provides alcohol–free and illicit–drug–free housing to individuals with substance–related disorders or addictive disorders or co–occurring mental disorders and substance–related disorders or addictive disorders; and

(2) Does not include clinical treatment services.

[(p)**] (R)** (1) "Substance–related disorder" means:

(i) An alcohol use disorder, alcohol abuse, alcohol dependence, alcohol misuse, alcohol intoxication, or alcohol withdrawal;

(ii) A nonalcohol substance use disorder, drug dependence, drug misuse, nonalcohol substance induced intoxication, or nonalcohol substance withdrawal; or

(iii) Any combination of the disorders listed in items (i) and (ii) of this paragraph.

(2) "Substance–related disorder" includes substance use disorders and substance induced disorders.

[(q)**] (S)** "Substance–related disorders program" means a set of services that:

(1) Are community–based, including those services provided by the State or any of its political subdivisions; and

(2) Consist of:

(i) Any combination of treatment, care, or rehabilitation for individuals with a substance–related disorder; or

(ii) Education for individuals known to be at risk of developing substance–related disorders.

7.5–402.

(a) Regulations adopted under this subtitle shall include:

(1) The requirements for licensure of a behavioral health program;

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

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

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

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

(ii) A provision authorizing a behavioral health program licensed as an outpatient mental health center to satisfy any regulatory requirement that the medical director be onsite through the use of telehealth by the director; **[**and**]**

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

(IV) A PROVISION REQUIRING THAT THE MEDICAL DIRECTOR OF A BEHAVIORAL HEALTH PROGRAM LICENSED AS AN OUTPATIENT MENTAL HEALTH CENTER BE A LICENSED AND APPROPRIATELY TRAINED PHYSICIAN;

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.