

# HOUSE BILL 1109

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: February 18, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 23, 2015

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Behavioral Health Administration – Powers, Duties, and Responsibilities**

3 FOR the purpose of establishing certain powers, duties, and responsibilities of the Director  
4 of the Behavioral Health Administration in the Department of Health and Mental  
5 Hygiene; requiring the Secretary of Health and Mental Hygiene to provide certain  
6 facilities for certain purposes to the extent of certain funds; establishing certain  
7 duties of the Behavioral Health Administration; requiring the Secretary to adopt  
8 certain regulations; prohibiting discrimination against certain individuals by certain  
9 hospitals or programs; requiring certain behavioral health programs to be licensed  
10 by the Secretary, with certain exceptions; authorizing the Secretary to require  
11 certain accreditation as a condition of licensure; authorizing certain licensing fees;  
12 establishing that individuals served by a behavioral health program have certain  
13 rights; requiring the Department of Health and Mental Hygiene to adopt certain  
14 regulations; prohibiting an individual or organization from operating a behavioral  
15 health program in violation of certain provisions of law; establishing a certain  
16 criminal fine; authorizing the Department of Health and Mental Hygiene to pursue  
17 an injunction under certain circumstances; requiring certain halfway houses for  
18 certain individuals with certain substance-related disorders to be licensed in  
19 accordance with certain provisions of law; establishing certain zoning provisions for  
20 certain halfway houses; requiring the Director on or after a certain date to prepare  
21 and implement a certain mental health plan in concert with certain entities; altering  
22 certain provisions of law relating to county mental health advisory committees;  
23 requiring certain private group homes to be licensed in accordance with certain

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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 provisions of law; altering a certain exception to a certain prohibition on review of a  
 2 certain court record relating to a certain petition; establishing certain duties of  
 3 certain local behavioral health authorities and local addictions authorities under  
 4 certain circumstances; requiring core service agencies, local addictions authorities,  
 5 and local behavioral health authorities to submit a certain plan to the Director;  
 6 establishing certain duties of the Director regarding the initiation of the  
 7 development of core service agencies, local addictions authorities, and local  
 8 behavioral health authorities, under certain circumstances; establishing certain  
 9 duties of the Director related to assuring the continuing provision of certain services;  
 10 authorizing the Director to deny approval of a local addictions authority or local  
 11 behavioral health authority and cease funding or request the return of unspent funds  
 12 by a local addictions authority or local behavioral health authority under certain  
 13 circumstances; authorizing a county to terminate its local addictions authority or  
 14 local behavioral health authority in a certain manner; prohibiting the Director from  
 15 requiring a local addictions authority or local behavioral health authority to provide  
 16 certain services; altering certain provisions of law relating to a certain mental health  
 17 crisis response system; repealing certain limitations on admission to certain private  
 18 group homes; repealing certain provisions of law setting salaries of employees of  
 19 certain community mental health programs; repealing a certain program for certain  
 20 hearing-impaired individuals with a mental disorder; establishing certain  
 21 legislative policy; adding and altering certain defined terms; making conforming,  
 22 clarifying, technical, and stylistic changes; and generally relating to behavioral  
 23 health care and the Behavioral Health Administration in the Department of Health  
 24 and Mental Hygiene.

25 BY repealing

26 Article – Health – General

27 Section 8–402 through 8–404, 8–702, 8–703, 10–515, 10–517, 10–520 through  
 28 10–523, 10–604, 10–901, and 10–905; and 10–908 through 10–913 and the  
 29 part “Part II. Program for Hearing Impaired Individuals”

30 Annotated Code of Maryland

31 (2009 Replacement Volume and 2014 Supplement)

32 ~~BY repealing and reenacting, with amendments,~~

33 ~~Article – Education~~

34 ~~Section 7–4A–03(a)(9)(xi)~~

35 ~~Annotated Code of Maryland~~

36 ~~(2014 Replacement Volume and 2014 Supplement)~~

37 BY repealing and reenacting, with amendments,

38 Article – Health – General

39 Section 4–307(a)(3) and (h), 5–705(b)(11), 5–803(1), 5–805(a)(1), 7.5–101, 7.5–204,  
 40 8–101, 10–101, 10–207(b)(1) and (d), 10–308(f) and (g), 10–309(a),  
 41 10–312(b)(4)(i)5., 10–516, 10–518, 10–630(b)(5), 10–701(a)(6), 10–1101,;  
 42 10–1201, 10–1202(a), (b), (c), and ~~(d)(2)~~ (d)(1), (2), (3), (4)(iii), and (7),  
 43 10–1202.1(b), (c)(2)(i), and (f), and 10–1203, to be under the amended subtitle  
 44 “Subtitle 12. Core Service Agencies, Local Addictions Authorities, and Local

1 Behavioral Health Authorities”; 16–101(b)(2) and (e)(2)(i) and (v),  
2 16–201.2(a)(3) and (4), 16–204(c), and 19–2301(d)(10) and (11)  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2014 Supplement)

5 BY adding to

6 Article – Health – General  
7 Section 7.5–205 and 7.5–206; 7.5–301 through 7.5–304 to be under the new subtitle  
8 “Subtitle 3. Behavioral Health Programs”; and 8–405, 8–406, and  
9 16–201.2(a)(6)  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Health – General  
14 Section 10–630(a) and 16–101(e)(1)  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Health – General  
19 Section 10–1401(b), 10–1403(a)(1)(ii) and (b), and 10–1404(b)  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2014 Supplement)  
22 (As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

23 BY adding to

24 Article – Health – General  
25 Section 10–1401(d)  
26 Annotated Code of Maryland  
27 (2009 Replacement Volume and 2014 Supplement)  
28 (As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

29 BY repealing and reenacting, with amendments,

30 Article – Human Services  
31 Section 8–101(e), 8–302(2)(iii), 8–406(a)(1)(iv), and 8–407(4)  
32 Annotated Code of Maryland  
33 (2007 Volume and 2014 Supplement)

34 BY adding to

35 Article – Human Services  
36 Section 8–101(k–1)  
37 Annotated Code of Maryland  
38 (2007 Volume and 2014 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
40 That Section(s) 8–402 through 8–404, 8–702, 8–703, 10–515, 10–517, 10–520 through

1 10-523, 10-604, 10-901, and 10-905; and 10-908 through 10-913 and the part “Part II.  
 2 Program for Hearing Impaired Individuals” of Article – Health – General of the Annotated  
 3 Code of Maryland be repealed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 5 as follows:

6 ~~Article – Education~~

7 ~~7-4A-03.~~

8 (a) ~~The Council consists of the following 25 members:~~

9 (i) ~~The following members appointed by the Governor:~~

10 (xi) ~~A representative of the Behavioral Health Administration [or], a~~  
 11 ~~core service agency, OR A LOCAL BEHAVIORAL HEALTH AUTHORITY.~~

12 Article – Health – General

13 4-307.

14 (a) (3) “Core service agency” [means an organization approved by the  
 15 Behavioral Health Administration to manage mental health resources and services in a  
 16 designated area or to a designated target population] **HAS THE MEANING STATED IN §**  
 17 **7.5-101 OF THIS ARTICLE.**

18 (h) This section may not be construed to prevent the disclosure of a medical record  
 19 that relates to the provision of mental health services between or among the health care  
 20 providers that participate in the approved plan of a core service agency **OR LOCAL**  
 21 **BEHAVIORAL HEALTH AUTHORITY** for the delivery of mental health services, if a  
 22 recipient:

23 (1) Has received a current list of the participating providers; and

24 (2) Has signed a written agreement with the core service agency **OR LOCAL**  
 25 **BEHAVIORAL HEALTH AUTHORITY** to participate in the client information system  
 26 developed by the agency.

27 5-705.

28 (b) The local team membership shall be drawn from the following individuals,  
 29 organizations, agencies, and areas of expertise, when available:

1 (11) A psychiatrist or psychologist with experience in child abuse and  
2 neglect or child injury, appointed by the director of the county mental health agency [or],  
3 core service agency, **OR LOCAL BEHAVIORAL HEALTH AUTHORITY**;

4 5–803.

5 The Committee shall:

6 (1) Evaluate causes or factors contributing to deaths in facilities or  
7 programs:

8 (i) Operated or licensed by the Developmental Disabilities  
9 Administration;

10 (ii) Licensed by the Behavioral Health Administration to provide  
11 mental health services **AND IDENTIFIED IN § 10–713(A) OF THIS ARTICLE**; or

12 (iii) Operating by waiver under § 7–903(b) of this article;

13 5–805.

14 (a) (1) Except as provided in paragraph (3) of this subsection, the Office of  
15 Health Care Quality shall review each death of an individual with developmental  
16 disabilities or with a mental illness who, at the time of death, resided in or was receiving  
17 services from any program or facility licensed or operated by the Developmental Disabilities  
18 Administration or operating by waiver under § 7–903(b) of this article, or any program  
19 approved, licensed, or operated by the Department under § 10–406[, § 10–901, or § 10–902]  
20 **OF THIS ARTICLE OR ANY PROGRAM IDENTIFIED IN § 10–713(A)** of this article.

21 7.5–101.

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

23 **(B) (1) “ADDICTIVE DISORDER” MEANS A CHRONIC DISORDER OF THE**  
24 **BRAIN’S REWARD–ACTIVATION SYSTEM IN WHICH ~~BEHAVIOR BECOMES REPETITIVE,~~**  
25 **~~THERE IS~~ THE INDIVIDUAL PATHOLOGICALLY PURSUES REWARD OR RELIEF BY**  
26 **SUBSTANCE USE OR OTHER BEHAVIORS, WITH DIMINISHED CONTROL, AND THE**  
27 **INDIVIDUAL PERSISTS IN THE BEHAVIOR DESPITE ADVERSE CONSEQUENCES.**

28 **(2) “ADDICTIVE DISORDER” INCLUDES GAMBLING, WHICH IS THE**  
29 **ONLY NONSUBSTANCE–RELATED ADDICTIVE DISORDER RECOGNIZED BY**  
30 **MARYLAND LAW.**

31 **[(b)] (C) “Administration” means the Behavioral Health Administration.**

1           [(c)] (D)       “Behavioral health” includes [substance use] **SUBSTANCE-RELATED**  
2 disorders, addictive disorders, and mental disorders.

3           [(d)] (E)       “Behavioral health care” includes prevention, screening, early  
4 intervention, treatment, recovery, support, wraparound, and rehabilitation services, for  
5 individuals with [substance use] **SUBSTANCE-RELATED** disorders, addictive disorders,  
6 mental disorders, or a combination of these disorders.

7           (F)       **“BEHAVIORAL HEALTH PROGRAM” MEANS A SUBSTANCE-RELATED**  
8 **DISORDERS PROGRAM, A MENTAL HEALTH PROGRAM, OR AN ADDICTIVE DISORDERS**  
9 **PROGRAM, OR A PROGRAM THAT CONSISTS OF MORE THAN ONE OF THESE**  
10 **PROGRAMS.**

11           (G)       **“CORE SERVICE AGENCY” MEANS THE DESIGNATED COUNTY OR**  
12 **MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND**  
13 **MONITORING PUBLICLY FUNDED MENTAL HEALTH SERVICES.**

14           [(e)] (H)       “Director” means the Director of the Administration.

15           (I)       **“FAMILY SUPPORT SERVICES” MEANS A SET OF NONCLINICAL**  
16 **ACTIVITIES PROVIDED BY FAMILY MEMBERS OF INDIVIDUALS WITH MENTAL**  
17 **HEALTH OR SUBSTANCE-RELATED DISORDERS AND ADDICTIVE DISORDERS TO**  
18 **SUPPORT INDIVIDUALS WITH MENTAL HEALTH OR SUBSTANCE-RELATED**  
19 **DISORDERS AND ADDICTIVE DISORDERS OR THEIR FAMILIES.**

20           (J)       **“LOCAL ADDICTIONS AUTHORITY” MEANS THE DESIGNATED COUNTY OR**  
21 **MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND**  
22 **MONITORING PUBLICLY FUNDED SUBSTANCE-RELATED DISORDERS AND ADDICTIVE**  
23 **DISORDER SERVICES.**

24           (K)       **“LOCAL BEHAVIORAL HEALTH AUTHORITY” MEANS THE DESIGNATED**  
25 **COUNTY OR MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING,**  
26 **MANAGING, AND MONITORING PUBLICLY FUNDED MENTAL HEALTH,**  
27 **SUBSTANCE-RELATED DISORDER, AND ADDICTIVE DISORDER SERVICES.**

28           (L)       (1)       **“MENTAL DISORDER” MEANS A BEHAVIORAL OR EMOTIONAL**  
29 **ILLNESS THAT RESULTS FROM A PSYCHIATRIC ~~OR NEUROLOGICAL~~ DISORDER.**

30                       (2)       **“MENTAL DISORDER” INCLUDES A MENTAL ILLNESS THAT SO**  
31 **SUBSTANTIALLY IMPAIRS THE MENTAL OR EMOTIONAL FUNCTIONING OF AN**  
32 **INDIVIDUAL AS TO MAKE CARE OR TREATMENT NECESSARY OR ADVISABLE FOR THE**  
33 **WELFARE OF THE INDIVIDUAL OR FOR THE SAFETY OF THE PERSON OR PROPERTY**  
34 **OF ANOTHER.**

1           (3) “MENTAL DISORDER” DOES NOT INCLUDE AN INTELLECTUAL  
2 DISABILITY.

3           (M) “MENTAL HEALTH PROGRAM” MEANS A SET OF SERVICES THAT  
4 CONSISTS OF COMMUNITY-BASED TREATMENT, CARE, OR REHABILITATION  
5 SERVICES, OR ANY COMBINATION OF THESE, FOR INDIVIDUALS WITH A MENTAL  
6 DISORDER.

7           (N) “PEER SUPPORT SERVICES” MEANS A SET OF NONCLINICAL ACTIVITIES  
8 PROVIDED BY INDIVIDUALS IN RECOVERY FROM MENTAL DISORDERS,  
9 SUBSTANCE-RELATED DISORDERS, OR ADDICTIVE DISORDERS WHO USE THEIR  
10 PERSONAL, LIVED EXPERIENCES AND TRAINING TO SUPPORT OTHER INDIVIDUALS  
11 WITH MENTAL DISORDERS, SUBSTANCE-RELATED DISORDERS, OR ADDICTIVE  
12 DISORDERS.

13           (O) “RECOVERY RESIDENCE” MEANS A SERVICE THAT:

14           (1) PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING  
15 TO INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS OR ADDICTIVE  
16 DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED  
17 DISORDERS OR ADDICTIVE DISORDERS; AND

18           (2) DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.

19           (P) (1) “SUBSTANCE-RELATED DISORDER” MEANS ~~ALCOHOL ABUSE,~~  
20 ~~ALCOHOL DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE,~~  
21 ~~DRUG MISUSE, OR ANY COMBINATION OF THESE;~~

22           (I) AN ALCOHOL USE DISORDER, ALCOHOL ABUSE, ALCOHOL  
23 DEPENDENCE, ALCOHOL MISUSE, ALCOHOL INTOXICATION, OR ALCOHOL  
24 WITHDRAWAL;

25           (II) A NONALCOHOL SUBSTANCE USE DISORDER, DRUG  
26 DEPENDENCE, DRUG MISUSE, NONALCOHOL SUBSTANCE INDUCED INTOXICATION,  
27 OR NONALCOHOL SUBSTANCE WITHDRAWAL; OR

28           (III) ANY COMBINATION OF THE DISORDERS LISTED IN ITEMS (I)  
29 AND (II) OF THIS PARAGRAPH.

30           (2) “SUBSTANCE-RELATED DISORDER” INCLUDES SUBSTANCE USE  
31 DISORDERS AND SUBSTANCE INDUCED DISORDERS.

32           (Q) “SUBSTANCE-RELATED DISORDERS PROGRAM” MEANS A SET OF  
33 SERVICES THAT:

1           **(1) ARE COMMUNITY-BASED, INCLUDING THOSE SERVICES**  
2 **PROVIDED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS; AND**

3           **(2) CONSIST OF:**

4                   **(I) ANY COMBINATION OF TREATMENT, CARE, OR**  
5 **REHABILITATION FOR INDIVIDUALS WITH A SUBSTANCE-RELATED DISORDER; OR**

6                   **(II) EDUCATION FOR INDIVIDUALS KNOWN TO BE AT RISK OF**  
7 **DEVELOPING SUBSTANCE-RELATED DISORDERS.**

8 7.5-204.

9           (a) The Director is responsible for carrying out the powers, duties, and  
10 responsibilities of the Administration.

11           (b) In addition to the powers set forth elsewhere in this title, the Director may:

12                   (1) Within the amounts made available by appropriation or grant, make  
13 any agreement or joint financial arrangement to do or have done anything necessary,  
14 desirable, or proper to carry out the purposes of this title **AND TITLES 8 AND 10 OF THIS**  
15 **ARTICLE;**

16                   (2) Organize and manage the Administration in a manner that will enable  
17 it best to discharge the duties of the Administration;

18                   (3) Appoint the number of assistant directors and staff provided for in the  
19 State budget;

20                   (4) Remove an assistant director for incompetence or misconduct; and

21                   (5) Unless expressly provided otherwise by law, assign to any subordinate  
22 unit or individual in the Administration any function that is imposed by law on the  
23 Director.

24           (c) In addition to the duties set forth elsewhere in this title, the Director shall[:

25                   (1) Adopt regulations to carry out the provisions of this title, including  
26 provisions setting reasonable fees for the issuance and renewal of licenses; and

27                   (2) Do] **DO** anything necessary or proper to carry out the scope of this title  
28 **AND TITLES 8 AND 10 OF THIS ARTICLE.**

29           [(d) The Director is responsible for supervising the custody, care, and treatment of  
30 individuals who have mental disorders.



1 (e) The Director shall provide facilities for the care and treatment of individuals  
2 who have mental disorders.

3 (f) (1) The Director shall establish programs for research and development of  
4 care and treatment for individuals who have behavioral health disorders.

5 (2) The Director may provide money for a public or nonprofit organization  
6 to carry out pilot or demonstration projects regarding individuals who have behavioral  
7 health disorders.]

8 (D) IT IS THE POLICY OF THE STATE THAT THE DIRECTOR MAY  
9 COLLABORATE WITH OTHER STATE AGENCIES TO PROMOTE COORDINATED CARE  
10 AND TREATMENT OF INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DISORDERS.

11 **7.5-205.**

12 (A) THE SECRETARY SHALL PROVIDE FACILITIES FOR THE CARE AND  
13 TREATMENT OF INDIVIDUALS WHO HAVE MENTAL DISORDERS, TO THE EXTENT THAT  
14 FUNDS ARE PROVIDED IN THE STATE BUDGET FOR THIS PURPOSE.

15 (B) TO THE EXTENT TO WHICH FUNDS ARE PROVIDED IN THE STATE  
16 BUDGET, THE ADMINISTRATION SHALL:

17 (1) SUPERVISE THE CUSTODY, CARE, AND TREATMENT OF  
18 INDIVIDUALS IN STATE FACILITIES WHO HAVE MENTAL DISORDERS;

19 (2) PROVIDE OVERSIGHT OF COMMUNITY-BASED SERVICES FOR  
20 PERSONS WITH BEHAVIORAL HEALTH DISORDERS; AND

21 (3) ESTABLISH PROGRAMS FOR RESEARCH AND DEVELOPMENT OF  
22 CARE AND TREATMENT FOR INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH  
23 DISORDERS.

24 (C) THE ADMINISTRATION MAY PROVIDE FUNDS FOR A PUBLIC OR  
25 NONPROFIT ORGANIZATION TO CARRY OUT PILOT OR DEMONSTRATION PROJECTS  
26 RELATING TO INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DISORDERS.

27 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
28 PROVISIONS OF THIS TITLE AND TITLES 8 AND 10 OF THIS ARTICLE, INCLUDING  
29 PROVISIONS SETTING REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF  
30 LICENSES.

31 **7.5-206.**

1 NO OTHERWISE-QUALIFIED INDIVIDUAL WITH A BEHAVIORAL HEALTH  
2 DISORDER, SOLELY BY REASON OF THE INDIVIDUAL'S STATUS AS AN INDIVIDUAL  
3 WITH A BEHAVIORAL HEALTH DISORDER, SHALL BE DENIED THE SERVICES OF, OR  
4 BE SUBJECTED TO DISCRIMINATION BY, ANY PUBLIC OR PRIVATE HOSPITAL OR  
5 COMMUNITY-BASED TREATMENT PROGRAM.

6 SUBTITLE 3. BEHAVIORAL HEALTH PROGRAMS.

7 7.5-301.

8 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A BEHAVIORAL  
9 HEALTH PROGRAM SHALL BE LICENSED BY THE SECRETARY BEFORE PROGRAM  
10 SERVICES MAY BE PROVIDED IN THIS STATE.

11 (B) THE SECRETARY MAY EXEMPT THE FOLLOWING PERSONS FROM THE  
12 LICENSURE REQUIREMENTS OF THIS SECTION:

13 (1) A HEALTH PROFESSIONAL, IN EITHER SOLO OR GROUP PRACTICE,  
14 WHO IS LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE AND WHO IS  
15 PROVIDING MENTAL HEALTH OR SUBSTANCE-RELATED DISORDER SERVICES  
16 ACCORDING TO THE REQUIREMENTS OF THE APPROPRIATE PROFESSIONAL BOARD;

17 (2) ALCOHOLICS ANONYMOUS, NARCOTICS ANONYMOUS, RECOVERY  
18 RESIDENCES, PEER SUPPORT SERVICES, FAMILY SUPPORT SERVICES, OR OTHER  
19 SIMILAR ORGANIZATIONS, IF THE ORGANIZATION HOLDS MEETINGS OR PROVIDES  
20 SUPPORT SERVICES BUT DOES NOT PROVIDE ANY TYPE OF TREATMENT;

21 (3) AN EMPLOYEES' ASSISTANCE PROGRAM OF A BUSINESS ENTITY;

22 (4) OUTPATIENT BEHAVIORAL HEALTH TREATMENT AND  
23 REHABILITATION SERVICES PROVIDED IN A REGULATED SPACE IN A HOSPITAL, AS  
24 DEFINED IN § 19-301 OF THIS ARTICLE, IF THE SERVICES ARE ACCREDITED BY AN  
25 APPROVED ACCREDITATION ORGANIZATION UNDER ITS BEHAVIORAL HEALTH  
26 STANDARDS; OR

27 (5) A PRIVATE THERAPEUTIC GROUP HOME AS DEFINED IN § 10-920  
28 OF THIS ARTICLE.

29 7.5-302.

30 (A) REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL INCLUDE:

31 (1) THE REQUIREMENTS FOR LICENSURE OF A BEHAVIORAL HEALTH  
32 PROGRAM;

1           (2) THE PROCESS FOR A BEHAVIORAL HEALTH PROGRAM TO APPLY  
2 FOR A LICENSE;

3           (3) A DESCRIPTION OF THE BEHAVIORAL HEALTH PROGRAMS THAT  
4 ARE REQUIRED TO BE LICENSED;

5           (4) ANY REQUIREMENTS FOR THE GOVERNANCE OF A BEHAVIORAL  
6 HEALTH PROGRAM, INCLUDING A PROVISION PROHIBITING A CONFLICT OF  
7 INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND THOSE OF THE  
8 INDIVIDUAL RECEIVING SERVICES;

9           (5) PROVISIONS FOR INSPECTIONS OF A BEHAVIORAL HEALTH  
10 PROGRAM, INCLUDING INSPECTION AND COPYING OF THE RECORDS OF A  
11 BEHAVIORAL HEALTH PROGRAM IN ACCORDANCE WITH STATE AND FEDERAL LAW;  
12 AND

13           (6) PROVISIONS FOR DENIALS, SANCTIONS, SUSPENSIONS, AND  
14 REVOCATIONS OF LICENSES, INCLUDING IMPOSITION OF CIVIL MONETARY  
15 PENALTIES, AND NOTICE AND AN OPPORTUNITY TO BE HEARD.

16           (B) (1) THE SECRETARY MAY REQUIRE A BEHAVIORAL HEALTH  
17 PROGRAM TO BE GRANTED ACCREDITATION BY AN ACCREDITATION ORGANIZATION  
18 APPROVED BY THE SECRETARY UNDER TITLE 19, SUBTITLE 23 OF THIS ARTICLE AS  
19 A CONDITION OF LICENSURE UNDER REGULATIONS ADOPTED UNDER THIS  
20 SUBTITLE.

21           (2) BY BECOMING LICENSED IN ACCORDANCE WITH PARAGRAPH (1)  
22 OF THIS SUBSECTION, A PROGRAM AGREES TO COMPLY WITH ALL APPLICABLE  
23 STANDARDS OF THE ACCREDITATION ORGANIZATION.

24           (C) REGULATIONS ADOPTED UNDER THIS SUBTITLE MAY INCLUDE  
25 PROVISIONS SETTING REASONABLE FEES FOR APPLYING FOR A LICENSE AND FOR  
26 THE ISSUANCE AND RENEWAL OF LICENSES.

27 **7.5-303.**

28           EACH INDIVIDUAL SERVED BY A BEHAVIORAL HEALTH PROGRAM IS ENTITLED  
29 TO THE RIGHTS IDENTIFIED IN THE BEHAVIORAL HEALTH PROGRAM'S  
30 ACCREDITATION STANDARDS THAT ARE ADOPTED BY THE DEPARTMENT IN  
31 REGULATIONS.

32 **7.5-304.**

1 (A) AN INDIVIDUAL OR ORGANIZATION MAY NOT OPERATE A BEHAVIORAL  
2 HEALTH PROGRAM IN VIOLATION OF THIS SUBTITLE.

3 (B) AN INDIVIDUAL OR ORGANIZATION THAT OPERATES A BEHAVIORAL  
4 HEALTH PROGRAM WITHOUT THE LICENSE REQUIRED BY THIS SUBTITLE IS GUILTY  
5 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
6 \$10,000 FOR EACH VIOLATION.

7 (C) THE DEPARTMENT MAY FILE FOR AND PURSUE AN INJUNCTION TO  
8 PREVENT AN INDIVIDUAL OR ORGANIZATION FROM OPERATING A BEHAVIORAL  
9 HEALTH PROGRAM WITHOUT THE LICENSE REQUIRED BY THIS SUBTITLE.

10 8–101.

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

12 (B) (1) “ADDICTIVE DISORDER” MEANS A CHRONIC DISORDER OF THE  
13 BRAIN’S REWARD–ACTIVATION SYSTEM IN WHICH BEHAVIOR BECOMES REPETITIVE,  
14 THE INDIVIDUAL PATHOLOGICALLY PURSUES REWARD OR RELIEF BY  
15 SUBSTANCE ABUSE OR OTHER BEHAVIORS, WITH DIMINISHED CONTROL, AND THE  
16 INDIVIDUAL PERSISTS IN THE BEHAVIOR DESPITE ADVERSE CONSEQUENCES.

17 (2) “ADDICTIVE DISORDER” INCLUDES GAMBLING, WHICH IS THE  
18 ONLY NONSUBSTANCE–RELATED ADDICTIVE DISORDER RECOGNIZED BY  
19 MARYLAND LAW.

20 [(b)] (C) “Administration” means the Behavioral Health Administration.

21 [(c)] (D) “Administrator” means the program director or the clinical director of  
22 an alcohol or drug abuse treatment facility or a health care facility.

23 [(d)] (E) “Alcohol abuse” means a disease that is characterized by a pattern of  
24 pathological use of alcohol with repeated attempts to control its use, and with significant  
25 negative consequences in at least one of the following areas of life: medical, legal, financial,  
26 or psycho–social.

27 [(e)] (F) “Alcohol dependence” means a disease characterized by:

28 (1) Alcohol abuse; and

29 (2) Physical symptoms of withdrawal or tolerance.

30 [(f)] (G) “Alcohol misuse” means:

31 (1) Unlawful use of alcohol;

1 (2) Alcohol abuse; or

2 (3) Alcohol dependence.

3 [(g) "Detoxification facility" means a facility that provides direct or indirect  
4 services to an acutely intoxicated individual to fulfill the physical, social, and emotional  
5 needs of the individual by:

6 (1) Monitoring the amount of alcohol and other toxic agents in the body of  
7 the individual;

8 (2) Managing withdrawal symptoms; and

9 (3) Motivating the individual to participate in the appropriate addictions  
10 treatment programs for alcohol or drug abuse.]

11 (h) "Director" means the Director of the Administration.

12 (i) "Drug" means:

13 (1) A controlled dangerous substance that is regulated under the Maryland  
14 Controlled Dangerous Substances Act;

15 (2) A prescription medication; or

16 (3) A chemical substance when used for unintended and harmful purposes.

17 (j) "Drug abuse" means a disease which is characterized by a pattern of  
18 pathological use of a drug with repeated attempts to control the use, and with significant  
19 negative consequences in at least one of the following areas of life: medical, legal, financial,  
20 or psycho-social.

21 (k) "Drug dependence" means a disease characterized by:

22 (1) Drug abuse; and

23 (2) Physical symptoms of withdrawal or tolerance.

24 (l) "Drug misuse" means:

25 (1) Unlawful use of a drug;

26 (2) Drug abuse; or

27 (3) Drug dependence.

1 [(m) "Substance use disorder" means alcohol abuse, alcohol dependence, alcohol  
2 misuse, drug abuse, drug dependence, drug misuse, or any combination of these.]

3 (M) "HALFWAY HOUSE" MEANS A CLINICALLY MANAGED, LOW INTENSITY  
4 RESIDENTIAL TREATMENT SERVICE FOR INDIVIDUALS WITH SUBSTANCE-RELATED  
5 DISORDERS WHO ARE CAPABLE OF SELF-CARE BUT ARE NOT READY TO RETURN TO  
6 INDEPENDENT LIVING.

7 (N) "LARGE HALFWAY HOUSE" MEANS A HALFWAY HOUSE THAT ADMITS AT  
8 LEAST 9 BUT NOT MORE THAN 16 INDIVIDUALS.

9 (O) (1) "MENTAL DISORDER" MEANS A BEHAVIORAL OR EMOTIONAL  
10 ILLNESS THAT RESULTS FROM A PSYCHIATRIC ~~OR NEUROLOGICAL~~ DISORDER.

11 (2) "MENTAL DISORDER" INCLUDES A MENTAL ILLNESS THAT SO  
12 SUBSTANTIALLY IMPAIRS THE MENTAL OR EMOTIONAL FUNCTIONING OF AN  
13 INDIVIDUAL AS TO MAKE CARE OR TREATMENT NECESSARY OR ADVISABLE FOR THE  
14 WELFARE OF THE INDIVIDUAL OR FOR THE SAFETY OF THE PERSON OR PROPERTY  
15 OF ANOTHER.

16 (3) "MENTAL DISORDER" DOES NOT INCLUDE AN INTELLECTUAL  
17 DISABILITY.

18 (P) "RECOVERY RESIDENCE" MEANS A SERVICE THAT:

19 (1) PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING  
20 TO INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS OR ADDICTIVE  
21 DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED  
22 DISORDERS OR ADDICTIVE DISORDERS; AND

23 (2) DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.

24 (Q) "SMALL HALFWAY HOUSE" MEANS A HALFWAY HOUSE THAT ADMITS AT  
25 LEAST 4 BUT NOT MORE THAN 8 INDIVIDUALS.

26 (R) (1) "SUBSTANCE-RELATED DISORDER" MEANS ~~ALCOHOL ABUSE,~~  
27 ~~ALCOHOL DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE,~~  
28 ~~DRUG MISUSE, OR ANY COMBINATION OF THESE;~~

29 (I) ALCOHOL USE DISORDER, ALCOHOL ABUSE, ALCOHOL  
30 DEPENDENCE, ALCOHOL MISUSE, ALCOHOL INTOXICATION, OR ALCOHOL  
31 WITHDRAWAL;

1                   **(II) NONALCOHOL SUBSTANCE USE DISORDER, DRUG**  
2 **DEPENDENCE, DRUG MISUSE, NONALCOHOL SUBSTANCE INDUCED INTOXICATION,**  
3 **OR NONALCOHOL SUBSTANCE WITHDRAWAL; OR**

4                   **(III) ANY COMBINATION OF THE DISORDERS LISTED IN ITEMS (I)**  
5 **AND (II) OF THIS PARAGRAPH.**

6                   **(2) “SUBSTANCE-RELATED DISORDER” INCLUDES SUBSTANCE USE**  
7 **DISORDERS AND SUBSTANCE INDUCED DISORDERS.**

8           **(S) “WITHDRAWAL MANAGEMENT” MEANS DIRECT OR INDIRECT SERVICES**  
9 **FOR AN ACUTELY INTOXICATED INDIVIDUAL TO FULFILL THE PHYSICAL, SOCIAL,**  
10 **AND EMOTIONAL NEEDS OF AN INDIVIDUAL BY:**

11                   **(1) MONITORING THE AMOUNT OF ALCOHOL AND OTHER TOXIC**  
12 **AGENTS IN THE BODY OF THE INDIVIDUAL;**

13                   **(2) MANAGING WITHDRAWAL SYMPTOMS; AND**

14                   **(3) MOTIVATING AN INDIVIDUAL TO PARTICIPATE IN THE**  
15 **APPROPRIATE SUBSTANCE-RELATED DISORDER PROGRAMS.**

16 **8-405.**

17           **(A) A HALFWAY HOUSE SHALL BE LICENSED IN ACCORDANCE WITH TITLE**  
18 **7.5 OF THIS ARTICLE.**

19           **(B) THE SECRETARY SHALL ADOPT REGULATIONS FOR ESTABLISHING,**  
20 **LICENSING, AND OPERATING HALFWAY HOUSES.**

21 **8-406.**

22           **(A) A SMALL HALFWAY HOUSE:**

23                   **(1) IS DEEMED CONCLUSIVELY A SINGLE-FAMILY DWELLING FOR**  
24 **PURPOSES OF ZONING; AND**

25                   **(2) IS PERMITTED TO LOCATE IN ALL RESIDENTIAL ZONES.**

26           **(B) A LARGE HALFWAY HOUSE IS DEEMED CONCLUSIVELY A MULTI-FAMILY**  
27 **DWELLING AND IS PERMITTED TO LOCATE IN ZONES OF SIMILAR DENSITY.**

28           **(C) A HALFWAY HOUSE IS NOT SUBJECT TO ANY SPECIAL EXCEPTION,**  
29 **CONDITIONAL USE PERMIT, OR PROCEDURE THAT DIFFERS FROM THAT REQUIRED**

1 FOR A SINGLE-FAMILY DWELLING OR A MULTIFAMILY DWELLING OF SIMILAR  
2 DENSITY IN THE SAME ZONE.

3 (D) A GENERAL ZONING ORDINANCE THAT CONFLICTS WITH THE  
4 PROVISIONS OF THIS SECTION IS SUPERSEDED BY THIS SECTION, TO THE EXTENT OF  
5 THE CONFLICT.

6 10–101.

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

8 (b) “Administration” means the Behavioral Health Administration.

9 (c) (1) “Admission” means the process by which an individual is accepted as a  
10 resident in:

11 (i) An inpatient facility; or

12 (ii) A Veterans’ Administration hospital in this State that provides  
13 care or treatment for individuals who have mental disorders.

14 (2) “Admission” includes the physical act of the individual entering the  
15 facility or Veterans’ Administration hospital.

16 (D) “BEHAVIORAL HEALTH CARE” INCLUDES PREVENTION, SCREENING,  
17 EARLY INTERVENTION, TREATMENT, RECOVERY, SUPPORT, WRAPAROUND, AND  
18 REHABILITATION SERVICES FOR INDIVIDUALS WITH SUBSTANCE-RELATED  
19 DISORDERS, ADDICTIVE DISORDERS, MENTAL DISORDERS, OR A COMBINATION OF  
20 THESE DISORDERS.

21 (E) “CORE SERVICE AGENCY” MEANS THE DESIGNATED COUNTY OR  
22 MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND  
23 MONITORING PUBLICLY FUNDED MENTAL HEALTH SERVICES.

24 [(d)] (F) “Director” means the Director of the Behavioral Health Administration.

25 [(e)] (G) (1) Except as otherwise provided in this title, “facility” means any  
26 public or private clinic, hospital, or other institution that provides or purports to provide  
27 treatment or other services for individuals who have mental disorders.

28 (2) “Facility” does not include a Veterans’ Administration hospital.

29 (H) “LOCAL BEHAVIORAL HEALTH AUTHORITY” MEANS THE DESIGNATED  
30 COUNTY OR MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING,



1 **MANAGING, AND MONITORING PUBLICLY FUNDED MENTAL HEALTH,**  
2 **SUBSTANCE-RELATED DISORDER, AND ADDICTIVE DISORDER SERVICES.**

3 [(f)] (I) (1) “Mental disorder” means a behavioral or emotional illness that  
4 results from a psychiatric ~~or neurological~~ disorder.

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

9 (3) “Mental disorder” does not include an intellectual disability.

10 [(g)] (J) “State Advisory Council” means the State Advisory Council on Mental  
11 Hygiene.

12 [(h)] (K) “State facility” means a facility that is owned or operated by the  
13 Department.

14 [(i)] (L) “Treatment” means any professional care or attention that is given in a  
15 facility, private therapeutic group home for children and adolescents, or Veterans’  
16 Administration hospital to improve or to prevent the worsening of a mental disorder.

17 10–207.

18 (b) (1) [By] **ON OR AFTER** October 1, 1993, within existing resources and in  
19 concert with local core service agencies **OR LOCAL BEHAVIORAL HEALTH AUTHORITIES,**  
20 the Director shall prepare a comprehensive mental health plan which identifies the needs  
21 of all individuals who have a serious mental disorder and who are targeted for services in  
22 the “Comprehensive Mental Health Services Plan” submitted by the State to the federal  
23 government in accordance with § 1925 of the Public Health Service Act.

24 (d) The Director shall, in concert with local core service agencies **OR LOCAL**  
25 **BEHAVIORAL HEALTH AUTHORITIES,** implement each plan to the extent that resources  
26 are available.

27 10–308.

28 (f) In Baltimore City, the governing body may designate [Baltimore Mental  
29 Health Systems, Inc.] **BEHAVIORAL HEALTH SYSTEMS BALTIMORE** the [core service  
30 agency] **LOCAL BEHAVIORAL HEALTH AUTHORITY** for Baltimore City under Subtitle 12  
31 of this title, as the mental health advisory committee for Baltimore City.

32 (g) In Anne Arundel County, the governing body may designate Anne Arundel  
33 County Mental Health Agency, Inc., the core service agency **OR LOCAL BEHAVIORAL**

1 **HEALTH AUTHORITY** for Anne Arundel County under Subtitle 12 of this title, as the  
2 mental health advisory committee for Anne Arundel County.

3 10–309.

4 (a) (1) The mental health advisory committee of each county shall consist of:

5 (i) As nonvoting ex officio members, the following individuals or  
6 their designees:

7 1. The health officer for the county;

8 2. A representative of a State inpatient facility that serves  
9 that county, appointed as provided in paragraph (2) of this subsection;

10 3. The county mental health director;

11 4. The director of the core service agency **OR LOCAL**  
12 **BEHAVIORAL HEALTH AUTHORITY**, if any; and

13 5. In jurisdictions with designated State inpatient beds  
14 located in local general hospitals, a representative from that facility; and

15 (ii) As voting members, appointed by the governing body of the  
16 county and representative of the county’s major socio–economic and ethnic groups:

17 1. At least 5, but not more than 7, representatives selected  
18 from among the following groups or agencies:

19 A. The governing body;

20 B. The county department of education;

21 C. The local department of social services;

22 D. The practicing physicians;

23 E. Mental health professionals who are not physicians;

24 F. The clergy;

25 G. The legal profession;

26 H. A local law enforcement agency;

27 I. A local general hospital that contains an inpatient  
28 psychiatric unit;

- 1 J. The Department of Aging;
- 2 K. The Department of Juvenile Services;
- 3 L. The local alcohol and drug abuse agency; and
- 4 M. A local community rehabilitation or housing program; and
- 5 2. At least 5 individuals selected from among the following  
6 groups or organizations and appointed as provided in paragraph (3) of this subsection:
- 7 A. At least 2 individuals who are currently receiving or who  
8 have in the past received mental health services;
- 9 B. Parents or other relatives of adults with mental disorders;
- 10 C. Parents or other relatives of children or adolescents with  
11 emotional, behavioral, or mental disorders the onset of which occurred during childhood or  
12 adolescence;
- 13 D. The local mental health association, if any; and
- 14 E. A member of the general public.

15 (2) If more than one State inpatient facility serves a county, a  
16 representative from at least 1 of the facilities shall be appointed by the Director.

17 (3) At least one-half of the voting members shall be appointed from among  
18 the individuals listed in paragraph (1)(ii)2A through C of this subsection.

19 (4) Notwithstanding paragraphs (1) through (3) of this subsection, if the  
20 governing body of Baltimore City or Anne Arundel County designates a core service agency  
21 **OR LOCAL BEHAVIORAL HEALTH AUTHORITY** as the mental health advisory committee,  
22 the mental health advisory committee shall consist of the governing body of the core service  
23 agency **OR LOCAL BEHAVIORAL HEALTH AUTHORITY**.

24 10-312.

25 (b) Each county advisory committee and intercounty advisory committee shall:

26 (4) (i) Prepare and disseminate an annual report to the following:

27 5. The director of the local core service agency **OR LOCAL**  
28 **BEHAVIORAL HEALTH AUTHORITY**, if any;

29 10-516.

1           **(A) A PRIVATE GROUP HOME SHALL BE LICENSED IN ACCORDANCE WITH**  
2 **TITLE 7.5 OF THIS ARTICLE.**

3           **[(a) (B)** The Secretary shall adopt rules and regulations for establishing,  
4 licensing, and operating private group homes.

5           **[(b)** These rules and regulations shall ensure at least:

6                   (1) That the proposed staff will be adequate to supervise properly the  
7 individuals in the private group home;

8                   (2) That the procedure under which the proposed private group home will  
9 receive, investigate, document, and dispose of written complaints from neighborhood  
10 residents is acceptable; and

11                   (3) That the proposed care or treatment:

12                           (i) Reasonably can be expected to benefit the individuals in the  
13 private group home; and

14                           (ii) Will be provided by an adequate staff or, under agreement, by a  
15 provider of mental health services.]

16 10-518.

17           (a) [To qualify for a license, an applicant shall satisfy the Secretary that the  
18 proposed private group home:

19                   (1) Is needed;

20                   (2) Is compatible with the nature and character of the area involved;

21                   (3) Is near transportation facilities;

22                   (4) Meets or, on completion, will meet the requirements of this subtitle and  
23 the rules and regulations that the Secretary adopts under this subtitle; and

24                   (5) Meets or, on completion, will meet all general zoning requirements that  
25 apply to the site and that relate to:

26                           (i) The height and size of any buildings that are involved;

27                           (ii) The land that may be covered or occupied;

28                           (iii) The size of yards that require open space;

1 (iv) The density of population; and

2 (v) The use of the land and buildings.

3 (b) (1) A small private group home:

4 [(i) (1) Is deemed conclusively a single-family dwelling; and

5 [(ii) (2) Is permitted to locate in all residential zones.

6 [(2) (B) A large private group home is deemed conclusively a  
7 multi-family dwelling and is permitted to locate in zones of similar density.

8 [(3) (C) A private group home [may] IS not [be] subject to any special  
9 exception, conditional use permit, or procedure that differs from that required for a  
10 single-family dwelling or a multi-family dwelling of similar density in the same zone.

11 [(4) (D) A general zoning ordinance that conflicts with the provisions of  
12 this section is superseded by this section to the extent of the conflict.

13 10-630.

14 (a) All court records relating to a petition for an emergency evaluation made  
15 under this subtitle are confidential and the contents may not be divulged, by subpoena or  
16 otherwise, except by order of the court on good cause shown.

17 (b) This section does not prohibit review of a court record relating to a petition by:

18 (5) Authorized personnel of the local core service agency **OR LOCAL**  
19 **BEHAVIORAL HEALTH AUTHORITY;**

20 10-701.

21 (a) (6) "State facility" means [a] **AN INPATIENT** facility that is maintained  
22 under the direction of the Behavioral Health Administration.

23 10-1101.

24 This title may be cited as the "Maryland Mental [Hygiene] **HEALTH Law**".

25 Subtitle 12. Core Service Agencies, **LOCAL ADDICTIONS AUTHORITIES, AND LOCAL**  
26 **BEHAVIORAL HEALTH AUTHORITIES.**

27 10-1201.

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

2 (b) “Core service agency” [means the designated county or multicounty authority  
3 that is responsible for planning, managing, and monitoring publicly funded mental health  
4 services] **HAS THE MEANING STATED IN § 7.5–101 OF THIS ARTICLE.**

5 (c) **“LOCAL ADDICTIONS AUTHORITY” HAS THE MEANING STATED IN §**  
6 **7.5–101 OF THIS ARTICLE.**

7 (d) **“LOCAL BEHAVIORAL HEALTH AUTHORITY” HAS THE MEANING STATED**  
8 **IN § 7.5–101 OF THIS ARTICLE.**

9 [(c)] (e) “Services to persons with mental illnesses” means the health care and  
10 community support rendered to a recipient primarily in connection with the diagnosis,  
11 evaluation, treatment, case management, rehabilitation, or supervised housing for  
12 individuals with serious mental disorders.

13 10–1202.

14 (a) A core service agency, LOCAL ADDICTIONS AUTHORITY, OR LOCAL  
15 BEHAVIORAL HEALTH AUTHORITY shall:

16 (1) Be an agent of a county or Baltimore City government which may  
17 include a local health department;

18 (2) Unless an exception is requested by an individual county and is granted  
19 by the Secretary, serve a county or counties with an estimated population of over 80,000  
20 people;

21 (3) Either purchase services or provide the services directly;

22 (4) Annually submit a program plan to the secretaries of the affected State  
23 departments for review and to the ~~Secretary~~ DIRECTOR for approval; and

24 (5) Meet the standards required under this subtitle and, as needed, the  
25 rules and regulations set by the Secretary.

26 (b) A core service agency, LOCAL ADDICTIONS AUTHORITY, OR LOCAL  
27 BEHAVIORAL HEALTH AUTHORITY may not be a for-profit entity.

28 (c) Each core service agency, LOCAL ADDICTIONS AUTHORITY, OR LOCAL  
29 BEHAVIORAL HEALTH AUTHORITY shall function under the Secretary’s authority.

30 (d) Once established in a jurisdiction, the core service agency, LOCAL  
31 ADDICTIONS AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY shall:

1           (1) Submit, on an annual basis, a program plan to the [Secretary]  
2 DIRECTOR for approval;

3           (2) Incorporate in its method of governance a mechanism for the local  
4 county mental health advisory committee, LOCAL DRUG AND ALCOHOL ABUSE  
5 COUNCIL, or joint mental health and ~~substance abuse~~ SUBSTANCE-RELATED committee  
6 to serve as the advisory committee to the core service agency, LOCAL ADDICTIONS  
7 AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY and, if serving more than 1  
8 unit of government, a method of representation serving those jurisdictions;

9           (3) Implement guidelines developed by the [Secretary] DIRECTOR which  
10 establish or designate the AUTHORITY OF THE local mental health advisory [committee's  
11 authority] COMMITTEE, LOCAL DRUG AND ALCOHOL ABUSE COUNCIL, OR JOINT  
12 MENTAL HEALTH AND SUBSTANCE-RELATED COMMITTEE to advise and assist in the  
13 planning and evaluation of the publicly funded mental health AND SUBSTANCE-RELATED  
14 DISORDER services;

15           (4) In accordance with guidelines developed by the ~~Secretary~~ DIRECTOR,  
16 develop planning, management, and accountability mechanisms for the delivery of services  
17 including:

18                   (iii) A yearly summary which includes at a minimum:

19                           1. Relevant financial statements; and

20                           2. Program evaluation reports which articulate the core  
21 service agency's, LOCAL ADDICTIONS AUTHORITY'S, OR LOCAL BEHAVIORAL HEALTH  
22 AUTHORITY'S ability to identify the outcomes of services provided for the target  
23 populations and the effects of those services on program planning for the target population;

24           (7) Provide clear guidelines to avoid either the appearance or occurrence of  
25 conflicts of interest in the direction and operation of the core service agency, LOCAL  
26 ADDICTIONS AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY or  
27 organizations which provide mental health OR SUBSTANCE-RELATED services.

28 10-1202.1.

29           (b) (1) The purpose of this section is to authorize the establishment of a  
30 quasi-public authority which may be activated by Howard County, if the county decides to  
31 designate a quasi-public authority as the core service agency OR LOCAL BEHAVIORAL  
32 HEALTH AUTHORITY to perform the duties imposed under this subtitle.

33           (2) This section has no effect on any other form of core service agency OR  
34 LOCAL BEHAVIORAL HEALTH AUTHORITY, whether it is a unit of Howard County  
35 government, a local health department, or a private, nonprofit corporation.

1 (c) (2) The quasi-public authority shall:

2 (i) Serve as the core service agency **OR LOCAL BEHAVIORAL**  
3 **HEALTH AUTHORITY** for the jurisdiction; and

4 (f) Howard County shall send to the Secretary a copy of any ordinance or  
5 resolution activating a quasi-public authority which will serve as a core service agency **OR**  
6 **LOCAL BEHAVIORAL HEALTH AUTHORITY**.

7 10-1203.

8 (a) To the extent resources are available, the [Secretary] **DIRECTOR**, after  
9 consultation with the Maryland Advisory Council on Mental Hygiene as established in  
10 Subtitle 3 of this title and federal requirements mandated under P.L. 99-660, may initiate  
11 the development of core service agencies, **LOCAL ADDICTIONS AUTHORITIES, OR LOCAL**  
12 **BEHAVIORAL HEALTH AUTHORITIES** as a mechanism for community planning,  
13 management, and financing of mental health **AND SUBSTANCE-RELATED DISORDER**  
14 services.

15 (b) When core service agencies, **LOCAL ADDICTIONS AUTHORITIES, OR LOCAL**  
16 **BEHAVIORAL HEALTH AUTHORITIES** are initiated, the [Secretary] **DIRECTOR** shall:

17 (1) Define the priority populations to be served by the core service agencies,  
18 ~~with a special emphasis on the provision of services to the seriously mentally ill populations~~  
19 **LOCAL ADDICTIONS AUTHORITIES, OR LOCAL BEHAVIORAL HEALTH AUTHORITIES**;

20 (2) Define the essential mental health, **SUBSTANCE-RELATED**  
21 **DISORDER**, and associated support services to be provided under the auspices of the core  
22 service agencies, **LOCAL ADDICTIONS AUTHORITIES, OR LOCAL BEHAVIORAL HEALTH**  
23 **AUTHORITIES**;

24 (3) Define the essential administrative functions to be carried out by core  
25 service agencies, **LOCAL ADDICTIONS AUTHORITIES, OR LOCAL BEHAVIORAL HEALTH**  
26 **AUTHORITIES**; and

27 (4) Outline the requirements for the core service agencies', **LOCAL**  
28 **ADDICTIONS AUTHORITIES', OR LOCAL BEHAVIORAL HEALTH AUTHORITIES'**  
29 governance structure.

30 (c) To assure the continuing provision of appropriate services, the [Secretary]  
31 **DIRECTOR** shall:



1 (1) Annually review and may approve the core service agencies', LOCAL  
2 ADDICTIONS AUTHORITIES', OR LOCAL BEHAVIORAL HEALTH AUTHORITIES' program  
3 plan;

4 (2) In conjunction with the appropriate authorities, establish and maintain  
5 a funding mechanism for the core service agencies, LOCAL ADDICTIONS AUTHORITIES,  
6 OR LOCAL BEHAVIORAL HEALTH AUTHORITIES which may include the allocation of  
7 funds for inpatient services;

8 (3) Develop a mechanism whereby any unexpended funds remaining at the  
9 end of the year shall remain with the core service agencies, LOCAL ADDICTIONS  
10 AUTHORITIES, OR LOCAL BEHAVIORAL HEALTH AUTHORITIES or the community  
11 providers;

12 (4) Establish procedures to facilitate intraagency and interagency linkages  
13 at State and local levels with the core service agencies, LOCAL ADDICTIONS  
14 AUTHORITIES, OR LOCAL BEHAVIORAL HEALTH AUTHORITIES; and

15 (5) Establish procedures within the Behavioral Health Administration for  
16 a process regarding program, policy, or contract disputes that gives all community mental  
17 health AND SUBSTANCE-RELATED DISORDER programs regulated by the Administration  
18 the right to:

19 (i) Access the mediation process established by the Administration;  
20 and

21 (ii) If dissatisfied with the outcome of the mediation by the  
22 Administration, request a hearing with the Office of Administrative Hearings in accordance  
23 with Title 10, Subtitle 2 of the State Government Article.

24 [(d) The Secretary may adopt regulations to carry out the provisions of this  
25 subtitle.

26 (e) (D) If a core service agency, LOCAL ADDICTIONS AUTHORITY, OR LOCAL  
27 BEHAVIORAL HEALTH AUTHORITY violates any provision of this subtitle, the [Secretary]  
28 **DIRECTOR** may deny approval of the core service agency, LOCAL ADDICTIONS  
29 AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY and, after written  
30 notification of denial of approval, cease funding or request the return of unspent funds by  
31 the core service agency, LOCAL ADDICTIONS AUTHORITY, OR LOCAL BEHAVIORAL  
32 HEALTH AUTHORITY.

33 [(f) (E) If a county elects to terminate its core service agency, LOCAL  
34 ADDICTIONS AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY, the county  
35 may do so upon 90 days' written notice to the [Secretary] **DIRECTOR.**

1            [(g) (F)     The [Secretary] **DIRECTOR** may not require a core service agency,  
2 **LOCAL ADDICTIONS AUTHORITY, OR LOCAL BEHAVIORAL HEALTH AUTHORITY** to  
3 provide services the Department does not provide funding for.

4 10–1401.

5            (b)     “Core service agency” has the meaning stated in [§ 10–1201 of this title] §  
6 **7.5–101 OF THIS ARTICLE.**

7            (D)     “**LOCAL BEHAVIORAL HEALTH AUTHORITY**” HAS THE MEANING STATED  
8 **IN § 7.5–101 OF THIS ARTICLE.**

9 10–1403.

10           (a)     The Crisis Response System shall include:

11                (1)     A crisis communication center in each jurisdiction or region to provide:

12                        (ii)     Coordination with the local core service agency **OR LOCAL**  
13 **BEHAVIORAL HEALTH AUTHORITY**, police, emergency medical service personnel, and  
14 mental health providers; and

15            (b)     The Crisis Response System services shall be implemented as determined by  
16 the core service agency **OR LOCAL BEHAVIORAL HEALTH AUTHORITY** serving each  
17 jurisdiction.

18 10–1404.

19            (b)     The Administration shall implement the Crisis Response System, in  
20 collaboration with core service agencies **OR LOCAL BEHAVIORAL HEALTH AUTHORITIES**,  
21 on a regional or jurisdictional basis as federal funding or funding from other sources  
22 becomes available.

23 16–101.

24            (b)     (2)     As to a recipient of services under the Maryland Mental [Hygiene]  
25 **HEALTH** Law, a word used in this title has the same meaning as is indicated by a definition  
26 of the word in **§ 7.5–101 OR § 10–101** of this article.

27            (e)     (1)     “Recipient of services” means an individual who receives care,  
28 maintenance, treatment, or support in a facility or program that is operated or funded  
29 wholly or partly by the Department.

30                (2)     “Recipient of services” includes:

1 (i) An individual in a public facility under the Maryland Mental  
2 **[Hygiene] HEALTH** Law;

3 (v) An individual in a private therapeutic group home from which  
4 this State obtains residential care under the Maryland Mental **[Hygiene] HEALTH** Law.

5 16–201.2.

6 (a) (3) “Community mental health services provider” means a  
7 community–based mental health program approved by the Department or an individual  
8 practitioner who contracts with the Department or the appropriate core service agency **OR**  
9 **LOCAL BEHAVIORAL HEALTH AUTHORITY**.

10 (4) “Core service agency” has the meaning stated in **[§ 10–1201] § 7.5–101**  
11 of this article.

12 **(6) “LOCAL BEHAVIORAL HEALTH AUTHORITY” HAS THE MEANING**  
13 **STATED IN § 7.5–101 OF THIS ARTICLE.**

14 16–204.

15 (c) The Department may collect fees from a core service agency **OR LOCAL**  
16 **BEHAVIORAL HEALTH AUTHORITY** for the cost of treatment of individuals whom the core  
17 service agency authorizes as eligible for admission into a State facility as described in Title  
18 10, Subtitle 4 of this article. Any such fees collected by the Department for the admission  
19 and treatment of individuals authorized by the core service agency **OR LOCAL**  
20 **BEHAVIORAL HEALTH AUTHORITY** shall be kept by the Department to be used to  
21 maintain and operate the respective State facility.

22 19–2301.

23 (d) “Health care facility” means:

24 (10) A **[substance use] SUBSTANCE–RELATED** disorder program as defined  
25 in **[§ 8–403] § 7.5–101** of this article; and

26 (11) A mental health program as defined in **[§ 10–901] § 7.5–101** of this  
27 article.

## 28 Article – Human Services

29 8–101.

30 (e) “Core service agency” **[means the designated county or multicounty authority**  
31 **that is responsible for planning, managing, and monitoring publicly funded mental health**

1 services as provided under Title 10, Subtitle 12] HAS THE MEANING STATED IN §  
2 **7.5–101** of the Health – General Article.

3 **(K–1) “LOCAL BEHAVIORAL HEALTH AUTHORITY” HAS THE MEANING STATED**  
4 **IN § 7.5–101 OF THE HEALTH – GENERAL ARTICLE.**

5 8–302.

6 A local management board may be composed of:

7 (2) a senior representative or department head of the:

8 (iii) core service agency **OR LOCAL BEHAVIORAL HEALTH**  
9 **AUTHORITY;**

10 8–406.

11 (a) Each local care team shall include:

12 (1) at least one representative from:

13 (iv) if determined to be appropriate by the Behavioral Health  
14 Administration, the local core service agency **OR LOCAL BEHAVIORAL HEALTH**  
15 **AUTHORITY;**

16 8–407.

17 A local care team shall:

18 (4) identify and share resource development needs and communicate with  
19 the care management entity, local core service agencies, **OR LOCAL BEHAVIORAL HEALTH**  
20 **AUTHORITY**, provider networks, local management boards, and other local care teams in  
21 surrounding jurisdictions; and

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2015.