

# 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

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## A BILL ENTITLED

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; prohibiting an individual or organization from operating a behavioral health  
14 program in violation of certain provisions of law; establishing a certain criminal fine;  
15 authorizing the Department of Health and Mental Hygiene to pursue an injunction  
16 under certain circumstances; requiring certain halfway houses for certain  
17 individuals with certain substance-related disorders to be licensed in accordance  
18 with certain provisions of law; establishing certain zoning provisions for certain  
19 halfway houses; requiring the Director on or after a certain date to prepare and  
20 implement a certain mental health plan in concert with certain entities; altering  
21 certain provisions of law relating to county mental health advisory committees;  
22 requiring certain private group homes to be licensed in accordance with certain  
23 provisions of law; altering a certain exception to a certain prohibition on review of a  
24 certain court record relating to a certain petition; establishing certain duties of  
25 certain local behavioral health authorities under certain circumstances; establishing  
26 certain duties of the Director regarding the initiation of the development of core  
27 service agencies under certain circumstances; altering certain provisions of law  
28 relating to a certain mental health crisis response system; repealing certain  
29 limitations on admission to certain private group homes; repealing certain provisions  
30 of law setting salaries of employees of certain community mental health programs;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 repealing a certain program for certain hearing-impaired individuals with a mental  
2 disorder; establishing certain legislative policy; adding and altering certain defined  
3 terms; making conforming, clarifying, technical, and stylistic changes; and generally  
4 relating to behavioral health care and the Behavioral Health Administration in the  
5 Department of Health and Mental Hygiene.

6 BY repealing  
7 Article – Health – General  
8 Section 8-402 through 8-404, 8-702, 8-703, 10-515, 10-517, 10-520 through  
9 10-523, 10-604, 10-901, and 10-905; and 10-908 through 10-913 and the  
10 part “Part II. Program for Hearing Impaired Individuals”  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 7-4A-03(a)(9)(xi)  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 4-307(a)(3) and (h), 5-705(b)(11), 5-803(1), 5-805(a)(1), 7.5-101, 7.5-204,  
21 8-101, 10-101, 10-207(b)(1) and (d), 10-308(f) and (g), 10-309(a),  
22 10-312(b)(4)(i)5., 10-516, 10-518, 10-630(b)(5), 10-701(a)(6), 10-1101,  
23 10-1201, 10-1202(a), (b), (c), and (d)(2), (4)(iii), and (7), 10-1202.1(b), (c)(2)(i),  
24 and (f), 10-1203, 16-101(b)(2) and (e)(2)(i) and (v), 16-201.2(a)(3) and (4),  
25 16-204(c), and 19-2301(d)(10) and (11)  
26 Annotated Code of Maryland  
27 (2009 Replacement Volume and 2014 Supplement)

28 BY adding to  
29 Article – Health – General  
30 Section 7.5-205 and 7.5-206; 7.5-301 through 7.5-304 to be under the new subtitle  
31 “Subtitle 3. Behavioral Health Programs”; and 8-405, 8-406, and  
32 16-201.2(a)(6)  
33 Annotated Code of Maryland  
34 (2009 Replacement Volume and 2014 Supplement)

35 BY repealing and reenacting, without amendments,  
36 Article – Health – General  
37 Section 10-630(a) and 16-101(e)(1)  
38 Annotated Code of Maryland  
39 (2009 Replacement Volume and 2014 Supplement)

40 BY repealing and reenacting, with amendments,  
41 Article – Health – General

1 Section 10–1401(b), 10–1403(a)(1)(ii) and (b), and 10–1404(b)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2014 Supplement)  
4 (As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

5 BY adding to  
6 Article – Health – General  
7 Section 10–1401(d)  
8 Annotated Code of Maryland  
9 (2009 Replacement Volume and 2014 Supplement)  
10 (As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

11 BY repealing and reenacting, with amendments,  
12 Article – Human Services  
13 Section 8–101(e), 8–302(2)(iii), 8–406(a)(1)(iv), and 8–407(4)  
14 Annotated Code of Maryland  
15 (2007 Volume and 2014 Supplement)

16 BY adding to  
17 Article – Human Services  
18 Section 8–101(k–1)  
19 Annotated Code of Maryland  
20 (2007 Volume and 2014 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That Section(s) 8–402 through 8–404, 8–702, 8–703, 10–515, 10–517, 10–520 through  
23 10–523, 10–604, 10–901, and 10–905; and 10–908 through 10–913 and the part “Part II.  
24 Program for Hearing Impaired Individuals” of Article – Health – General of the Annotated  
25 Code of Maryland be repealed.

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

### 28 Article – Education

29 7–4A–03.

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

31 (9) The following members appointed by the Governor:

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

### 34 Article – Health – General

35 4–307.

1 (a) (3) "Core service agency" [means an organization approved by the  
2 Behavioral Health Administration to manage mental health resources and services in a  
3 designated area or to a designated target population] **HAS THE MEANING STATED IN §**  
4 **7.5-101 OF THIS ARTICLE.**

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

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

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

14 5-705.

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

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

20 5-803.

21 The Committee shall:

22 (1) Evaluate causes or factors contributing to deaths in facilities or  
23 programs:

24 (i) Operated or licensed by the Developmental Disabilities  
25 Administration;

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

28 (iii) Operating by waiver under § 7-903(b) of this article;

29 5-805.

30 (a) (1) Except as provided in paragraph (3) of this subsection, the Office of  
31 Health Care Quality shall review each death of an individual with developmental

1 disabilities or with a mental illness who, at the time of death, resided in or was receiving  
2 services from any program or facility licensed or operated by the Developmental Disabilities  
3 Administration or operating by waiver under § 7–903(b) of this article, or any program  
4 approved, licensed, or operated by the Department under § 10–406[, § 10–901, or § 10–902]  
5 **OF THIS ARTICLE OR ANY PROGRAM IDENTIFIED IN § 10–713(A)** of this article.

6 7.5–101.

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

8 (B) (1) **“ADDICTIVE DISORDER” MEANS A DISORDER OF THE BRAIN’S**  
9 **REWARD–ACTIVATION SYSTEM IN WHICH BEHAVIOR BECOMES REPETITIVE, THERE**  
10 **IS DIMINISHED CONTROL, AND THE INDIVIDUAL PERSISTS IN THE BEHAVIOR**  
11 **DESPITE ADVERSE CONSEQUENCES.**

12 (2) **“ADDICTIVE DISORDER” INCLUDES GAMBLING, WHICH IS THE**  
13 **ONLY NONSUBSTANCE–RELATED ADDICTIVE DISORDER RECOGNIZED BY**  
14 **MARYLAND LAW.**

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

16 [(c)] (D) **“Behavioral health” includes [substance use] SUBSTANCE–RELATED**  
17 **disorders, addictive disorders, and mental disorders.**

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

22 (F) **“BEHAVIORAL HEALTH PROGRAM” MEANS A SUBSTANCE–RELATED**  
23 **DISORDERS PROGRAM, A MENTAL HEALTH PROGRAM, OR AN ADDICTIVE DISORDERS**  
24 **PROGRAM, OR A PROGRAM THAT CONSISTS OF MORE THAN ONE OF THESE**  
25 **PROGRAMS.**

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

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

30 (I) **“FAMILY SUPPORT SERVICES” MEANS A SET OF NONCLINICAL**  
31 **ACTIVITIES PROVIDED BY FAMILY MEMBERS OF INDIVIDUALS WITH MENTAL**  
32 **HEALTH OR SUBSTANCE–RELATED DISORDERS AND ADDICTIVE DISORDERS TO**  
33 **SUPPORT INDIVIDUALS WITH MENTAL HEALTH OR SUBSTANCE–RELATED**  
34 **DISORDERS AND ADDICTIVE DISORDERS OR THEIR FAMILIES.**

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

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

9           **(L) (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           **(M) “MENTAL HEALTH PROGRAM” MEANS A SET OF SERVICES THAT**  
19 **CONSISTS OF COMMUNITY-BASED TREATMENT, CARE, OR REHABILITATION**  
20 **SERVICES, OR ANY COMBINATION OF THESE, FOR INDIVIDUALS WITH A MENTAL**  
21 **DISORDER.**

22           **(N) “PEER SUPPORT SERVICES” MEANS A SET OF NONCLINICAL ACTIVITIES**  
23 **PROVIDED BY INDIVIDUALS IN RECOVERY FROM MENTAL DISORDERS,**  
24 **SUBSTANCE-RELATED DISORDERS, OR ADDICTIVE DISORDERS WHO USE THEIR**  
25 **PERSONAL, LIVED EXPERIENCES AND TRAINING TO SUPPORT OTHER INDIVIDUALS**  
26 **WITH MENTAL DISORDERS, SUBSTANCE-RELATED DISORDERS, OR ADDICTIVE**  
27 **DISORDERS.**

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

29           **(1) PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING**  
30 **TO INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS OR ADDICTIVE**  
31 **DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED**  
32 **DISORDERS OR ADDICTIVE DISORDERS; AND**

33           **(2) DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.**

1           (P)    “SUBSTANCE-RELATED DISORDER” MEANS ALCOHOL ABUSE, ALCOHOL  
2   DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE, DRUG MISUSE,  
3   OR ANY COMBINATION OF THESE.

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

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

8                   (2)   CONSIST OF:

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

11                           (II)   EDUCATION FOR INDIVIDUALS KNOWN TO BE AT RISK OF  
12   DEVELOPING SUBSTANCE-RELATED DISORDERS.

13   7.5-204.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **7.5-205.**

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

21 **(B) TO THE EXTENT TO WHICH FUNDS ARE PROVIDED IN THE STATE**  
22 **BUDGET, THE ADMINISTRATION SHALL:**

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

25 **(2) PROVIDE OVERSIGHT OF COMMUNITY-BASED SERVICES FOR**  
26 **PERSONS WITH BEHAVIORAL HEALTH DISORDERS; AND**

27 **(3) ESTABLISH PROGRAMS FOR RESEARCH AND DEVELOPMENT OF**  
28 **CARE AND TREATMENT FOR INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH**  
29 **DISORDERS.**



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

4 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
5 PROVISIONS OF THIS TITLE AND TITLES 8 AND 10 OF THIS ARTICLE, INCLUDING  
6 PROVISIONS SETTING REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF  
7 LICENSES.

8 **7.5-206.**

9 NO OTHERWISE-QUALIFIED INDIVIDUAL WITH A BEHAVIORAL HEALTH  
10 DISORDER, SOLELY BY REASON OF THE INDIVIDUAL'S STATUS AS AN INDIVIDUAL  
11 WITH A BEHAVIORAL HEALTH DISORDER, SHALL BE DENIED THE SERVICES OF, OR  
12 BE SUBJECTED TO DISCRIMINATION BY, ANY PUBLIC OR PRIVATE HOSPITAL OR  
13 COMMUNITY-BASED TREATMENT PROGRAM.

14 **SUBTITLE 3. BEHAVIORAL HEALTH PROGRAMS.**

15 **7.5-301.**

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

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

21 (1) A HEALTH PROFESSIONAL, IN EITHER SOLO OR GROUP PRACTICE,  
22 WHO IS LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE AND WHO IS  
23 PROVIDING SUBSTANCE-RELATED DISORDER SERVICES ACCORDING TO THE  
24 REQUIREMENTS OF THE APPROPRIATE PROFESSIONAL BOARD;

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

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

30 (4) OUTPATIENT BEHAVIORAL HEALTH TREATMENT AND  
31 REHABILITATION SERVICES PROVIDED IN A REGULATED SPACE IN A HOSPITAL, AS  
32 DEFINED IN § 19-301 OF THIS ARTICLE, IF THE SERVICES ARE ACCREDITED BY AN

1 APPROVED ACCREDITATION ORGANIZATION UNDER ITS BEHAVIORAL HEALTH  
2 STANDARDS; OR

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

5 7.5-302.

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

7 (1) THE REQUIREMENTS FOR LICENSURE OF A BEHAVIORAL HEALTH  
8 PROGRAM;

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

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

13 (4) ANY REQUIREMENTS FOR THE GOVERNANCE OF A BEHAVIORAL  
14 HEALTH PROGRAM, INCLUDING A PROVISION PROHIBITING A CONFLICT OF  
15 INTEREST BETWEEN THE INTERESTS OF THE PROVIDER AND THOSE OF THE  
16 INDIVIDUAL RECEIVING SERVICES;

17 (5) PROVISIONS FOR INSPECTIONS OF A BEHAVIORAL HEALTH  
18 PROGRAM, INCLUDING INSPECTION AND COPYING OF THE RECORDS OF A  
19 BEHAVIORAL HEALTH PROGRAM IN ACCORDANCE WITH STATE AND FEDERAL LAW;  
20 AND

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

24 (B) (1) THE SECRETARY MAY REQUIRE A BEHAVIORAL HEALTH  
25 PROGRAM TO BE GRANTED ACCREDITATION BY AN ACCREDITATION ORGANIZATION  
26 APPROVED BY THE SECRETARY UNDER TITLE 19, SUBTITLE 23 OF THIS ARTICLE AS  
27 A CONDITION OF LICENSURE UNDER REGULATIONS ADOPTED UNDER THIS  
28 SUBTITLE.

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

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

4 **7.5-303.**

5 EACH INDIVIDUAL SERVED BY A BEHAVIORAL HEALTH PROGRAM IS ENTITLED  
6 TO THE RIGHTS IDENTIFIED IN THE BEHAVIORAL HEALTH PROGRAM'S  
7 ACCREDITATION STANDARDS.

8 **7.5-304.**

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

11 (B) AN INDIVIDUAL OR ORGANIZATION THAT OPERATES A BEHAVIORAL  
12 HEALTH PROGRAM WITHOUT THE LICENSE REQUIRED BY THIS SUBTITLE IS GUILTY  
13 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
14 \$10,000 FOR EACH VIOLATION.

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

18 8-101.

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

20 (B) (1) "ADDICTIVE DISORDER" MEANS A DISORDER OF THE BRAIN'S  
21 REWARD-ACTIVATION SYSTEM IN WHICH BEHAVIOR BECOMES REPETITIVE, THERE  
22 IS DIMINISHED CONTROL, AND THE INDIVIDUAL PERSISTS IN THE BEHAVIOR  
23 DESPITE ADVERSE CONSEQUENCES.

24 (2) "ADDICTIVE DISORDER" INCLUDES GAMBLING, WHICH IS THE  
25 ONLY NONSUBSTANCE-RELATED ADDICTIVE DISORDER RECOGNIZED BY  
26 MARYLAND LAW.

27 [(b)] (C) "Administration" means the Behavioral Health Administration.

28 [(c)] (D) "Administrator" means the program director or the clinical director of  
29 an alcohol or drug abuse treatment facility or a health care facility.

30 [(d)] (E) "Alcohol abuse" means a disease that is characterized by a pattern of  
31 pathological use of alcohol with repeated attempts to control its use, and with significant

1 negative consequences in at least one of the following areas of life: medical, legal, financial,  
2 or psycho-social.

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

4 (1) Alcohol abuse; and

5 (2) Physical symptoms of withdrawal or tolerance.

6 **[(f)] (G)** “Alcohol misuse” means:

7 (1) Unlawful use of alcohol;

8 (2) Alcohol abuse; or

9 (3) Alcohol dependence.

10 **[(g)]** “Detoxification facility” means a facility that provides direct or indirect  
11 services to an acutely intoxicated individual to fulfill the physical, social, and emotional  
12 needs of the individual by:

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

15 (2) Managing withdrawal symptoms; and

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

18 (h) “Director” means the Director of the Administration.

19 (i) “Drug” means:

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

22 (2) A prescription medication; or

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

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

28 (k) “Drug dependence” means a disease characterized by:

- 1 (1) Drug abuse; and
- 2 (2) Physical symptoms of withdrawal or tolerance.

3 (l) “Drug misuse” means:

- 4 (1) Unlawful use of a drug;
- 5 (2) Drug abuse; or
- 6 (3) Drug dependence.

7 [(m) “Substance use disorder” means alcohol abuse, alcohol dependence, alcohol  
8 misuse, drug abuse, drug dependence, drug misuse, or any combination of these.]

9 (M) “**HALFWAY HOUSE**” MEANS A CLINICALLY MANAGED, LOW INTENSITY  
10 RESIDENTIAL TREATMENT SERVICE FOR INDIVIDUALS WITH SUBSTANCE-RELATED  
11 DISORDERS WHO ARE CAPABLE OF SELF-CARE BUT ARE NOT READY TO RETURN TO  
12 INDEPENDENT LIVING.

13 (N) “**LARGE HALFWAY HOUSE**” MEANS A HALFWAY HOUSE THAT ADMITS AT  
14 LEAST 9 BUT NOT MORE THAN 16 INDIVIDUALS.

15 (O) (1) “**MENTAL DISORDER**” MEANS A BEHAVIORAL OR EMOTIONAL  
16 ILLNESS THAT RESULTS FROM A PSYCHIATRIC OR NEUROLOGICAL DISORDER.

17 (2) “**MENTAL DISORDER**” INCLUDES A MENTAL ILLNESS THAT SO  
18 SUBSTANTIALLY IMPAIRS THE MENTAL OR EMOTIONAL FUNCTIONING OF AN  
19 INDIVIDUAL AS TO MAKE CARE OR TREATMENT NECESSARY OR ADVISABLE FOR THE  
20 WELFARE OF THE INDIVIDUAL OR FOR THE SAFETY OF THE PERSON OR PROPERTY  
21 OF ANOTHER.

22 (3) “**MENTAL DISORDER**” DOES NOT INCLUDE AN INTELLECTUAL  
23 DISABILITY.

24 (P) “**RECOVERY RESIDENCE**” MEANS A SERVICE THAT:

25 (1) PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING  
26 TO INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS OR ADDICTIVE  
27 DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED  
28 DISORDERS OR ADDICTIVE DISORDERS; AND

29 (2) DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.

1           **(Q) “SMALL HALFWAY HOUSE” MEANS A HALFWAY HOUSE THAT ADMITS AT**  
2 **LEAST 4 BUT NOT MORE THAN 8 INDIVIDUALS.**

3           **(R) “SUBSTANCE-RELATED DISORDER” MEANS ALCOHOL ABUSE, ALCOHOL**  
4 **DEPENDENCE, ALCOHOL MISUSE, DRUG ABUSE, DRUG DEPENDENCE, DRUG MISUSE,**  
5 **OR ANY COMBINATION OF THESE.**

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

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

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

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

14 **8-405.**

15           **(A) A HALFWAY HOUSE SHALL BE LICENSED IN ACCORDANCE WITH TITLE**  
16 **7.5 OF THIS ARTICLE.**

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

19 **8-406.**

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

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

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

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

26           **(C) A HALFWAY HOUSE IS NOT SUBJECT TO ANY SPECIAL EXCEPTION,**  
27 **CONDITIONAL USE PERMIT, OR PROCEDURE THAT DIFFERS FROM THAT REQUIRED**  
28 **FOR A SINGLE-FAMILY DWELLING OR A MULTIFAMILY DWELLING OF SIMILAR**  
29 **DENSITY IN THE SAME ZONE.**

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

4 10–101.

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

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

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

9                           (i) An inpatient facility; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 10–207.

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

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

25 10–308.

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

30           (g)    In Anne Arundel County, the governing body may designate Anne Arundel  
31 County Mental Health Agency, Inc., the core service agency **OR LOCAL BEHAVIORAL**  
32 **HEALTH AUTHORITY** for Anne Arundel County under Subtitle 12 of this title, as the  
33 mental health advisory committee for Anne Arundel County.

34 10–309.



- 1           (a)   (1)   The mental health advisory committee of each county shall consist of:
- 2                           (i)   As nonvoting ex officio members, the following individuals or  
3 their designees:
- 4                           1.   The health officer for the county;
- 5                           2.   A representative of a State inpatient facility that serves  
6 that county, appointed as provided in paragraph (2) of this subsection;
- 7                           3.   The county mental health director;
- 8                           4.   The director of the core service agency **OR LOCAL**  
9 **BEHAVIORAL HEALTH AUTHORITY**, if any; and
- 10                          5.   In jurisdictions with designated State inpatient beds  
11 located in local general hospitals, a representative from that facility; and
- 12                          (ii) As voting members, appointed by the governing body of the  
13 county and representative of the county's major socio-economic and ethnic groups:
- 14                           1.   At least 5, but not more than 7, representatives selected  
15 from among the following groups or agencies:
- 16                           A.   The governing body;
- 17                           B.   The county department of education;
- 18                           C.   The local department of social services;
- 19                           D.   The practicing physicians;
- 20                           E.   Mental health professionals who are not physicians;
- 21                           F.   The clergy;
- 22                           G.   The legal profession;
- 23                           H.   A local law enforcement agency;
- 24                           I.   A local general hospital that contains an inpatient  
25 psychiatric unit;
- 26                           J.   The Department of Aging;
- 27                           K.   The Department of Juvenile Services;

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

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

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

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

22 10-312.

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

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

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

27 10-516.

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



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

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

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

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

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

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

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

12 10-630.

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

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

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

19 10-701.

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

22 10-1101.

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

24 10-1201.

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

26 (b) "Core service agency" [means the designated county or multicounty authority  
27 that is responsible for planning, managing, and monitoring publicly funded mental health  
28 services] **HAS THE MEANING STATED IN § 7.5-101 OF THIS ARTICLE.**

1 (C) "LOCAL ADDICTIONS AUTHORITY" HAS THE MEANING STATED IN §  
2 7.5-101 OF THIS ARTICLE.

3 (D) "LOCAL BEHAVIORAL HEALTH AUTHORITY" HAS THE MEANING STATED  
4 IN § 7.5-101 OF THIS ARTICLE.

5 [(c)] (E) "Services to persons with mental illnesses" means the health care and  
6 community support rendered to a recipient primarily in connection with the diagnosis,  
7 evaluation, treatment, case management, rehabilitation, or supervised housing for  
8 individuals with serious mental disorders.

9 10-1202.

10 (a) A core service agency **OR LOCAL BEHAVIORAL HEALTH AUTHORITY** shall:

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

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

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

17 (4) Annually submit a program plan to the secretaries of the affected State  
18 departments for review and to the Secretary for approval; and

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

21 (b) A core service agency **OR LOCAL BEHAVIORAL HEALTH AUTHORITY** may  
22 not be a for-profit entity.

23 (c) Each core service agency **OR LOCAL BEHAVIORAL HEALTH AUTHORITY**  
24 shall function under the Secretary's authority.

25 (d) Once established in a jurisdiction, the core service agency **OR LOCAL**  
26 **BEHAVIORAL HEALTH AUTHORITY** shall:

27 (2) Incorporate in its method of governance a mechanism for the local  
28 county mental health advisory committee or joint mental health and substance abuse  
29 committee to serve as the advisory committee to the core service agency **OR LOCAL**  
30 **BEHAVIORAL HEALTH AUTHORITY** and, if serving more than 1 unit of government, a  
31 method of representation serving those jurisdictions;

1 (4) In accordance with guidelines developed by the Secretary, develop  
2 planning, management, and accountability mechanisms for the delivery of services  
3 including:

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

5 1. Relevant financial statements; and

6 2. Program evaluation reports which articulate the core  
7 service agency's **OR LOCAL BEHAVIORAL HEALTH AUTHORITY'S** ability to identify the  
8 outcomes of services provided for the target populations and the effects of those services on  
9 program planning for the target population;

10 (7) Provide clear guidelines to avoid either the appearance or occurrence of  
11 conflicts of interest in the direction and operation of the core service agency **OR LOCAL**  
12 **BEHAVIORAL HEALTH AUTHORITY** or organizations which provide mental health  
13 services.

14 10-1202.1.

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

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

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

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

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

28 10-1203.

29 (a) To the extent resources are available, the **[Secretary] DIRECTOR**, after  
30 consultation with the Maryland Advisory Council on Mental Hygiene as established in  
31 Subtitle 3 of this title and federal requirements mandated under P.L. 99-660, may initiate  
32 the development of core service agencies as a mechanism for community planning,  
33 management, and financing of mental health services.

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

3 (1) Define the priority populations to be served by the core service agencies,  
4 with a special emphasis on the provision of services to the seriously mentally ill  
5 populations;

6 (2) Define the essential mental health and associated support services to  
7 be provided under the auspices of the core service agencies;

8 (3) Define the essential administrative functions to be carried out by core  
9 service agencies; and

10 (4) Outline the requirements for the core service agencies' governance  
11 structure.

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

14 (1) Annually review and may approve the core service agencies' program  
15 plan;

16 (2) In conjunction with the appropriate authorities, establish and maintain  
17 a funding mechanism for the core service agencies which may include the allocation of funds  
18 for inpatient services;

19 (3) Develop a mechanism whereby any unexpended funds remaining at the  
20 end of the year shall remain with the core service agencies or the community providers;

21 (4) Establish procedures to facilitate intraagency and interagency linkages  
22 at State and local levels with the core service agencies; and

23 (5) Establish procedures within the Behavioral Health Administration for  
24 a process regarding program, policy, or contract disputes that gives all community mental  
25 health programs regulated by the Administration the right to:

26 (i) Access the mediation process established by the Administration;  
27 and

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

31 **[(d) The Secretary may adopt regulations to carry out the provisions of this**  
32 **subtitle.**

1 (e) (D) If a core service agency violates any provision of this subtitle, the  
2 [Secretary] **DIRECTOR** may deny approval of the core service agency and, after written  
3 notification of denial of approval, cease funding or request the return of unspent funds by  
4 the core service agency.

5 [(f) (E) If a county elects to terminate its core service agency, the county may  
6 do so upon 90 days' written notice to the [Secretary] **DIRECTOR**.

7 [(g) (F) The [Secretary] **DIRECTOR** may not require a core service agency to  
8 provide services the Department does not provide funding for.

9 10–1401.

10 (b) “Core service agency” has the meaning stated in [§ 10–1201 of this title] §  
11 **7.5–101 OF THIS ARTICLE**.

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

14 10–1403.

15 (a) The Crisis Response System shall include:

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

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

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

23 10–1404.

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

28 16–101.

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



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

4 (2) “Recipient of services” includes:

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

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

9 16–201.2.

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

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

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

18 16–204.

19 (c) The Department may collect fees from a core service agency **OR LOCAL**  
20 **BEHAVIORAL HEALTH AUTHORITY** for the cost of treatment of individuals whom the core  
21 service agency authorizes as eligible for admission into a State facility as described in Title  
22 10, Subtitle 4 of this article. Any such fees collected by the Department for the admission  
23 and treatment of individuals authorized by the core service agency **OR LOCAL**  
24 **BEHAVIORAL HEALTH AUTHORITY** shall be kept by the Department to be used to  
25 maintain and operate the respective State facility.

26 19–2301.

27 (d) “Health care facility” means:

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

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

1 8–101.

2 (e) “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 as provided under Title 10, Subtitle 12] **HAS THE MEANING STATED IN §**  
5 **7.5–101** of the Health – General Article.

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

8 8–302.

9 A local management board may be composed of:

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

11 (iii) core service agency **OR LOCAL BEHAVIORAL HEALTH**  
12 **AUTHORITY;**

13 8–406.

14 (a) Each local care team shall include:

15 (1) at least one representative from:

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

19 8–407.

20 A local care team shall:

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

25 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
26 October 1, 2015.