

# HOUSE BILL 1572

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Opioid Operational Command Center)**

Introduced and read first time: February 10, 2020

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Intermediate Care Facilities – Substance–Related Disorder Treatment Services**  
3 **– Review and Certificate of Need**

4 FOR the purpose of requiring the Behavioral Health Administration to review at its  
5 discretion intermediate care facilities that offer residential or intensive  
6 substance–related disorder treatment services for compliance with certain laws and  
7 regulations; providing that the review may include verification of compliance with  
8 certain standards; altering the definition of “health care facility” to exempt  
9 intermediate care facilities that offer residential or intensive substance–related  
10 disorder treatment services from the requirement that a health care facility have a  
11 certificate of need issued by the Maryland Health Care Commission; making  
12 conforming changes; and generally relating to intermediate care facilities that offer  
13 substance–related disorder treatment services.

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 8–401(a), 19–114(d), and 19–120(h)(2)(v)  
17 Annotated Code of Maryland  
18 (2019 Replacement Volume)

19 BY repealing and reenacting, without amendments,  
20 Article – Health – General  
21 Section 19–114(a) and (c) and 19–120(h)(1)  
22 Annotated Code of Maryland  
23 (2019 Replacement Volume)

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

26 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-401.

2 (a) (1) (I) The Administration shall:

3 [(i)] 1. Promote, develop, establish, conduct, certify, and monitor  
4 programs for the prevention, treatment, and rehabilitation related to the misuse of alcohol  
5 and drugs; [and]

6 2. **SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
7 **PARAGRAPH, REVIEW AT ITS DISCRETION AN INTERMEDIATE CARE FACILITY THAT**  
8 **OFFERS RESIDENTIAL OR INTENSIVE SUBSTANCE-RELATED DISORDER TREATMENT**  
9 **SERVICES FOR COMPLIANCE WITH ANY LAWS OR REGULATIONS RELATING TO SAFE**  
10 **OR ETHICAL OPERATION OR PATIENT CARE; AND**

11 [(ii)] 3. Promote and conduct training and research related to the  
12 misuse of alcohol and drugs.

13 (II) **A REVIEW UNDER SUBPARAGRAPH (I)2 OF THIS**  
14 **PARAGRAPH MAY INCLUDE VERIFICATION OF COMPLIANCE WITH ANY STANDARDS**  
15 **ESTABLISHED BY INDUSTRY-RECOGNIZED ACCREDITATION BODIES.**

16 (2) (i) In cooperation with the Motor Vehicle Administration, courts,  
17 police, and other agencies, the Administration shall approve appropriate programs of  
18 alcohol and drug abuse education or treatment for individuals who are convicted under §  
19 21-902 of the Transportation Article.

20 (ii) The programs under this paragraph shall be coordinated with  
21 and integrated into broad planning for comprehensive community health and welfare  
22 services.

23 (3) The Administration shall:

24 (i) Review and, in accordance with regulations that the  
25 Administration shall adopt, approve or disapprove each program that a public or private  
26 agency wants to offer under § 6-219(c) or § 6-220(c) of the Criminal Procedure Article;

27 (ii) Promptly give the Administrative Office of the Courts notice of  
28 each program approved under this paragraph;

29 (iii) Monitor and biennially review each program approved under this  
30 paragraph;

31 (iv) Investigate each complaint made in connection with a program;  
32 and

1 (v) Promptly give the Administrative Office of the Courts notice if  
2 the Department withdraws its approval of any program.

3 19–114.

4 (a) In this Part II of this subtitle the following words have the meanings  
5 indicated.

6 (c) “Certificate of need” means a certification of public need issued by the  
7 Commission under this Part II of this subtitle for a health care project.

8 (d) (1) “Health care facility” means:

9 (i) A hospital, as defined in § 19–301 of this title;

10 (ii) A limited service hospital, as defined in § 19–301 of this title;

11 (iii) A related institution, as defined in § 19–301 of this title;

12 (iv) An ambulatory surgical facility;

13 (v) An inpatient facility that is organized primarily to help in the  
14 rehabilitation of disabled individuals, through an integrated program of medical and other  
15 services provided under competent professional supervision;

16 (vi) A home health agency, as defined in § 19–401 of this title;

17 (vii) A hospice, as defined in § 19–901 of this title;

18 (viii) A freestanding medical facility, as defined in § 19–3A–01 of this  
19 title; and

20 (ix) Any other health institution, service, or program for which this  
21 Part II of this subtitle requires a certificate of need.

22 (2) “Health care facility” does not include:

23 (i) A hospital or related institution that is operated, or is listed and  
24 certified, by the First Church of Christ Scientist, Boston, Massachusetts;

25 (ii) For the purpose of providing an exception to the requirement for  
26 a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care  
27 constructed by a provider of continuing care, as defined in § 10–401 of the Human Services  
28 Article, if:

29 1. Except as provided under § 19–123 of this subtitle, the  
30 facility is for the exclusive use of the provider’s subscribers who have executed continuing



1                   **(VII) FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO THE**  
2 **REQUIREMENT FOR A CERTIFICATE OF NEED UNDER § 19-120 OF THIS SUBTITLE, AN**  
3 **INTERMEDIATE CARE FACILITY THAT OFFERS RESIDENTIAL OR INTENSIVE**  
4 **SUBSTANCE-RELATED DISORDER TREATMENT SERVICES.**

5 19-120.

6           (h)   (1)   A certificate of need is required before the bed capacity of a health care  
7 facility is changed.

8                   (2)   This subsection does not apply to any increase or decrease in bed  
9 capacity if:

10                           (v)   1.    The increase or decrease in bed capacity will occur in[:

11                                   A.    An intermediate care facility that offers residential or  
12 intensive substance-related disorder treatment services and has a current license issued  
13 by the Secretary; or

14                                   B.    An] AN existing general hospice program that has a  
15 current license issued by the Secretary; and

16                                   2.    At least 45 days before increasing or decreasing bed  
17 capacity, written notice of the intent to change bed capacity is filed with the Commission.

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