

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 96

(Senator McCray)

Finance

Health and Government Operations

**Public Health – Behavioral Health Programs and Health Care Facilities – Safety
and Community Relations Plans**

This bill specifies that regulations adopted by the Behavioral Health Administration (BHA) must require a behavioral health program to establish and implement a safety plan for the safety of the individuals served by the behavioral health program as part of the requirements for licensure. If a behavioral health program is required to adopt a community relations plan as part of its accreditation, the program must submit the plan to BHA. The Maryland Department of Health (MDH), before approving the operation of a facility or granting a license, must require a facility to establish and implement a safety plan and, if required by the facility's accreditation organization, to establish and implement a community relations plan. BHA and MDH may authorize a program or facility to satisfy the safety plan requirement by implementing a safety plan established for another purpose. For facilities regulated by MDH under Title 19 of the Health General Article, the safety plan requirement may be satisfied by an emergency plan. MDH may authorize a facility to satisfy the community relations plan requirement by implementing a plan required by an accreditation organization.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: Minimal, as discussed below.

Analysis

Current Law: Regulations adopted regarding behavioral health programs must include:

- the requirements for licensure of a behavioral health program;
- the process for a behavioral health program to apply for a license;
- a description of the behavioral health programs that are required to be licensed;
- any requirements for the governance of a behavioral health program, as specified;
- provisions for inspections of a behavioral health program, including inspection and copying of the records of a behavioral health program; and
- provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil monetary penalties, and notice and opportunity to be heard.

MDH grants licenses to numerous types of health care facilities, including hospitals, nursing homes, and assisted living programs.

Small Business Effect: Since most health care programs and facilities are required to have a safety plan or emergency plan in place for another purpose, it is unlikely significant resources will be required for programs and facilities to meet the safety plan requirements under the bill. Likewise, since facilities are required to establish and implement a community relations plan only if required by an accreditation organization, significant resources will not be required for facilities to meet this requirement. It is also anticipated that significant resources will not be required for behavioral health programs to submit their community relations plan to BHA.

Additional Information

Prior Introductions: A similar bill, SB 519 of 2020, passed in the Senate, received a hearing in the House Health and Government Operations Committee, and had no further action taken on it.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2021
rh/jc Third Reader - March 19, 2021
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