

Chapter 691

(House Bill 684)

AN ACT concerning

**Maryland Medical Assistance Program – Psychiatric Inpatient Care –
Admissions Restrictions
(Psychiatric Hospital Admissions Equity Act)**

FOR the purpose of prohibiting the Maryland Department of Health from limiting or restricting admission of a Maryland Medical Assistance Program recipient for inpatient care at a special psychiatric hospital or an acute general care hospital with separately identified inpatient psychiatric service except under certain circumstances; and generally relating to restrictions on admissions for psychiatric inpatient care and the Maryland Medical Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103.6(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Health – General
Section 15–103.8
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

15–103.6.

(a) (1) Subject to paragraph (2) of this subsection, on or before June 30, 2017, the Department shall adopt regulations necessary to ensure that the Program is in compliance with the federal Mental Health Parity and Addiction Equity Act and the federal Patient Protection and Affordable Care Act.

(2) [The] **EXCEPT AS PROVIDED IN § 15–103.8 OF THIS SUBTITLE, THE** Department is not required to adopt regulations under paragraph (1) of this subsection for any change that may be made through a process other than the regulatory process.

15–103.8.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY NOT LIMIT OR RESTRICT A PROGRAM RECIPIENT'S ADMISSION FOR INPATIENT CARE AT A SPECIAL PSYCHIATRIC HOSPITAL OR AN ACUTE GENERAL CARE HOSPITAL WITH SEPARATELY IDENTIFIED INPATIENT PSYCHIATRIC SERVICE UNLESS THE DEPARTMENT:

(1) BASES THE LIMIT OR RESTRICTION ON THE MEDICAL NECESSITY OF THE ADMISSION; AND

(2) ESTABLISHES THE LIMIT OR RESTRICTION THROUGH REGULATION.

(B) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2024, THE DEPARTMENT SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON, FOR THE IMMEDIATELY PRECEDING FISCAL YEAR:

(1) THE AVERAGE LENGTH OF STAY FOR PROGRAM RECIPIENTS FOR SERIOUS MENTAL ILLNESS INSTITUTE OF MENTAL DISEASE SERVICES AND FOR SUBSTANCE USE DISORDER INSTITUTE OF MENTAL DISEASE SERVICES AS REPORTED TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES;

(2) ANY CORRECTIVE ACTION PLANS AND ANY LIMITS ON DAYS OF STAY REQUIRED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES;

(3) ANY FEDERAL FUNDING WITHHELD AND ANY ADDITIONAL STATE FUNDING REQUIRED DUE TO SUBSECTION (A) OF THIS SECTION;

(4) DATA ON THE EFFECT OF SUBSECTION (A) OF THIS SECTION ON THE LENGTH OF EMERGENCY DEPARTMENT STAYS AMONG PROGRAM RECIPIENTS; AND

(5) DATA ON WHETHER PROGRAM RECIPIENTS RECEIVING INSTITUTE OF MENTAL DISEASE SERVICES WERE TRANSFERRED TO ANOTHER FACILITY AND THE TYPE OF FACILITY TO WHICH THEY WERE TRANSFERRED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.