

# HOUSE BILL 684

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CF SB 659

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By: ~~Delegate Bagnall~~ Delegates Bagnall, Pendergrass, Pena-Melnyk, Belcastro, Bhandari, Carr, Cullison, Hill, Johnson, Kaiser, Kelly, Kerr, Landis, R. Lewis, Rosenberg, Saab, and K. Young

Introduced and read first time: January 31, 2022  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 7, 2022

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

1 AN ACT concerning

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

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

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

16 BY adding to  
17 Article – Health – General  
18 Section 15–103.8  
19 Annotated Code of Maryland  
20 (2019 Replacement Volume and 2021 Supplement)

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

3 **Article – Health – General**

4 15–103.6.

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

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

12 **15–103.8.**

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

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

20 **(2) ESTABLISHES THE LIMIT OR RESTRICTION THROUGH**  
21 **REGULATION.**

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

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.