

# SENATE BILL 3

O3, E3, J3

(2lr0501)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Carter**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Facilities – Disabilities, Juveniles, Behavioral Health, and Health Care – ~~Safety~~**  
3 **Children and Community Relations Plans**

4 FOR the purpose of requiring that certain regulations adopted by the Department of  
5 Juvenile Services governing juvenile care facilities and juvenile detention facilities  
6 include a requirement for the establishment, implementation, and revision of certain  
7 safety plans; requiring certain State residential centers and private group homes to  
8 establish, implement, and revise certain safety plans; requiring certain regulations  
9 adopted by the Behavioral Health Administration to include a revision for certain  
10 safety plans at a certain regular interval; requiring the Maryland Department of  
11 Health to require that certain health care facilities establish and implement certain  
12 safety plans ~~and, under certain circumstances, a certain community relations plan;~~  
13 requiring that certain health care facilities revise certain safety plans ~~and, if~~  
14 ~~applicable, certain community relations plans~~ at a certain regular interval; and

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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.

*Italics indicate opposite chamber / conference committee amendments.*



1 generally relating to the establishment, implementation, and revision of safety  
2 plans.

3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 7–501, 7–610, 7.5–402, and 19–1C–01  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume and 2021 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Human Services  
10 Section 9–234 and 9–237  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2021 Supplement)

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

15 **Article – Health – General**

16 7–501.

17 (a) There are State residential centers for individuals with an intellectual  
18 disability in the Developmental Disabilities Administration.

19 (b) The Deputy Secretary shall appoint an administrative head for each State  
20 residential center.

21 **(C) EACH STATE RESIDENTIAL CENTER SHALL:**

22 **(1) ESTABLISH AND IMPLEMENT A SAFETY PLAN FOR THE SAFETY OF**  
23 **THE INDIVIDUALS SERVED BY THE STATE RESIDENTIAL CENTER; AND**

24 **(2) REVISE THE SAFETY PLAN NOT LESS THAN EVERY 5 YEARS.**

25 **(D) A STATE RESIDENTIAL CENTER MAY SATISFY THE REQUIREMENT**  
26 **UNDER SUBSECTION (C) OF THIS SECTION BY IMPLEMENTING A SAFETY OR**  
27 **EMERGENCY PLAN ESTABLISHED FOR THE CENTER FOR ANOTHER PURPOSE.**

28 7–610.

29 (a) An applicant for certificate of approval shall submit an application to the  
30 Department on the form that the Secretary requires.

31 (b) The application shall:

- 1 (1) Be signed and verified by the applicant; and
- 2 (2) Provide the information that the Secretary requires, including:
- 3 (i) The name and address of the applicant;
- 4 (ii) The street address of the property where the private group home  
5 is to be located or, if no address, a description which identifies the property;
- 6 (iii) If the applicant does not own the property, the name of the  
7 owner;
- 8 (iv) A statement that the applicant will comply with the laws, rules,  
9 and regulations that relate to the establishing and operating of private group homes under  
10 this subtitle;
- 11 (v) A statement that the applicant has sufficient resources to  
12 establish a private group home, or that those resources are available to the applicant; [and]
- 13 (vi) A statement that the applicant's facilities meet the federal  
14 regulation requirements on program accessibility (45 C.F.R. §§ 84.21 through 84.23); AND

15 **(VII) A STATEMENT THAT THE APPLICANT WILL ~~ESTABLISH~~:**

16 **1. ESTABLISH AND IMPLEMENT A SAFETY PLAN FOR THE**  
17 **SAFETY OF INDIVIDUALS SERVED BY THE PRIVATE GROUP HOME; OR**

18 **2. IMPLEMENT A SAFETY OR EMERGENCY PLAN**  
19 **ESTABLISHED FOR THE PRIVATE GROUP HOME FOR ANOTHER PURPOSE.**

20 7.5-402.

21 (a) Regulations adopted under this subtitle shall include:

22 (1) The requirements for licensure of a behavioral health program,  
23 including a requirement that the behavioral health program [establish]:

24 **(I) 1. ESTABLISH** and implement a safety plan for the safety of  
25 the individuals served by the behavioral health program; ~~AND~~ OR

26 **2. IMPLEMENT A SAFETY OR EMERGENCY PLAN**  
27 **ESTABLISHED FOR THE PROGRAM FOR ANOTHER PURPOSE; AND**

28 **(II) REVISE THE SAFETY PLAN NOT LESS THAN EVERY 5 YEARS;**

29 ~~AND~~

1 ~~(H) INCLUDE IN THE SAFETY PLAN A STATEMENT CERTIFYING~~  
 2 ~~COMPLIANCE WITH:~~

3 ~~1. THE NATIONAL FIRE PROTECTION ASSOCIATION~~  
 4 ~~101: LIFE SAFETY CODE; AND~~

5 ~~2. THE NATIONAL FIRE PROTECTION ASSOCIATION 99:~~  
 6 ~~HEALTH CARE FACILITIES CODE;~~

7 (2) The process for a behavioral health program to apply for a license;

8 (3) A description of the behavioral health programs that are required to be  
 9 licensed;

10 (4) Any requirements for the governance of a behavioral health program,  
 11 including:

12 (i) A provision prohibiting a conflict of interest between the  
 13 interests of the provider and those of the individual receiving services;

14 (ii) A provision authorizing a behavioral health program licensed as  
 15 an outpatient mental health center to satisfy any regulatory requirement that the medical  
 16 director be on site through the use of telehealth by the director; and

17 (iii) A provision authorizing a psychiatric nurse practitioner to serve  
 18 as a medical director of an outpatient mental health center accredited in accordance with  
 19 COMAR 10.63.03.05, including through telehealth;

20 (5) Provisions for inspections of a behavioral health program, including  
 21 inspection and copying of the records of a behavioral health program in accordance with  
 22 State and federal law; and

23 (6) Provisions for denials, sanctions, suspensions, and revocations of  
 24 licenses, including imposition of civil monetary penalties, and notice and an opportunity to  
 25 be heard.

26 (b) (1) The Secretary may require a behavioral health program to be granted  
 27 accreditation by an accreditation organization approved by the Secretary under Title 19,  
 28 Subtitle 23 of this article as a condition of licensure under regulations adopted under this  
 29 subtitle.

30 (2) By becoming licensed in accordance with paragraph (1) of this  
 31 subsection, a program agrees to comply with all applicable standards of the accreditation  
 32 organization.

1 (3) If a behavioral health program is required to be granted accreditation  
2 as a condition of licensure under paragraph (1) of this subsection and the accreditation  
3 organization requires the behavioral health program to adopt a community relations plan,  
4 the behavioral health program shall submit the community relations plan to the  
5 Administration.

6 (c) Regulations adopted under this subtitle may include provisions setting  
7 reasonable fees for applying for a license and for the issuance and renewal of licenses.

8 (d) The Administration may authorize a behavioral health program to satisfy the  
9 safety plan requirement under subsection (a)(1) of this section by implementing a safety  
10 plan established for the behavioral health program for another purpose.

11 19-1C-01.

12 (a) Before the Department approves the operation of a facility under this title,  
13 including by granting a license to the facility, the Department shall require the facility to  
14 establish and implement:

15 (1) A safety plan for the safety of the individuals served by the facility; and

16 (2) A community relations plan, if the facility is:

17 (i) Accredited by an accreditation organization, as defined in §  
18 19-2301 of this title; and

19 (ii) Required by the accreditation organization to establish and  
20 implement a community relations plan.

21 (b) The Department may authorize a facility to satisfy the requirement under:

22 (1) Subsection (a)(1) of this section by implementing a safety plan  
23 established for the facility for another purpose, including an emergency plan; and

24 (2) Subsection (a)(2) of this section by implementing the community  
25 relations plan required by the accreditation organization.

26 **(C) A FACILITY IN OPERATION ON OR BEFORE SEPTEMBER 30, 2021, SHALL**  
27 **SUBMIT A SAFETY PLAN AND, IF APPLICABLE, A COMMUNITY RELATIONS PLAN ON**  
28 **OR BEFORE OCTOBER 1, 2023, IN ACCORDANCE WITH THIS SECTION.**

29 **(D) EACH FACILITY SHALL REVISE ITS SAFETY PLAN AND, IF APPLICABLE,**  
30 **ITS COMMUNITY RELATIONS PLAN NOT LESS THAN EVERY 5 YEARS.**



1 (2) to provide a safe, humane, and caring environment for children; and

2 (3) to provide access to required services for children.

3 (c) The standards shall include provisions establishing:

4 (1) a policy that eliminates the unnecessary use of detention and that  
5 prioritizes diversion and appropriate nonsecure alternatives;

6 (2) criteria for the placement of a child in a particular juvenile detention  
7 facility;

8 (3) population limits for each juvenile detention facility that may not be  
9 exceeded except in emergency circumstances;

10 (4) a requirement that staffing ratios and levels of services be maintained  
11 during emergencies;

12 (5) specifications for the architectural structure of a juvenile detention  
13 facility;

14 (6) staff qualifications and training, including training in recognizing and  
15 reporting child abuse and neglect;

16 (7) the ratio of staff to children in a juvenile detention facility;

17 (8) the rights of children in a juvenile detention facility, including the right  
18 to privacy, visitors, telephone use, and mail delivery;

19 (9) prohibitions against the use of excessive force against a child;

20 (10) internal auditing and monitoring of programs and facilities in the  
21 juvenile services system; [and]

22 (11) prohibitions against the use of physical restraints on an individual  
23 known to be in the third trimester of pregnancy or during labor, delivery, or postpartum  
24 recovery, including during all transports, unless a facility superintendent or the facility  
25 superintendent's designee determines that a physical restraint is necessary to protect the  
26 individual from harming herself or others or to prevent the individual's escape from  
27 custody; AND

28 **(12) A POLICY CONCERNING A SAFETY PLAN FOR THE SAFETY OF**  
29 **JUVENILES DETAINED IN A FACILITY, INCLUDING:**

1 (I) THE MEANS TO IMPLEMENT THE SAFETY PLAN OR A SAFETY  
2 OR EMERGENCY PLAN ESTABLISHED FOR THE FACILITY FOR ANOTHER PURPOSE;  
3 AND

4 (II) A REQUIREMENT THAT THE SAFETY PLAN BE REVISED NOT  
5 LESS THAN EVERY 5 YEARS.

6 (d) The standards shall be consistent with this title and Title 3, Subtitle 8A of the  
7 Courts Article.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.