

# SENATE BILL 659

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CF HB 684

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By: **Senators Benson, Sydnor, Smith, and Jackson**

Introduced and read first time: February 4, 2022

Assigned to: Finance

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## A BILL ENTITLED

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)

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

23 **Article – Health – General**

24 15–103.6.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 **15-103.8.**

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

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

16 **(2) ESTABLISHES THE LIMIT OR RESTRICTION THROUGH**  
17 **REGULATION.**

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