

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 297 (Delegate Rosenberg)
Health and Government Operations

Facilities - Disabilities, Juveniles, Behavioral Health, and Health Care - Plans

This bill requires each State residential center to establish and implement a safety plan and revise the plan not less than every five years. Alternatively, a State residential center may implement a safety or emergency plan established for another purpose. Each application for certificate of approval for a private group home submitted to the Maryland Department of Health (MDH) must include a statement that the applicant will establish and implement a safety plan or implement a safety or emergency plan established for another purpose. A facility regulated by MDH under Title 19 of the Health-General Article that was in operation on or before September 30, 2021, must submit a safety plan by October 1, 2023. Each facility must revise its safety plan not less than every five years. The Department of Juvenile Services (DJS) must adopt regulations that require each juvenile care facility to establish and implement a safety plan or implement a safety or emergency plan established for another purpose.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: Regulations adopted by the Behavioral Health Administration (BHA) must require a behavioral health program to revise its safety plan not less than every five years.

DJS regulations must include provisions to establish a policy concerning a safety plan for the safety of juveniles detained in a facility, including the means to implement the safety plan or a safety or emergency plan established for another purpose and a requirement that the safety plan be revised not less than every five years.

Current Law:

Residential Centers

The Developmental Disabilities Administration within MDH provides direct services to intellectually and developmentally disabled individuals in two State residential centers. State residential centers must hold a license and obtain a certificate of approval from the Secretary of Health before establishing a group home for individuals with developmental disabilities.

In addition to holding a license under Title 7, Subtitle 9 of the Health-General Article, a person must obtain a certificate of approval from the Secretary of Health before establishing a private group home. An application for a certificate of approval must provide required information, including (1) the name and address of the applicant; (2) the street address where the private group home is to be located, or a description that identifies the property; (3) if the applicant does not own the property, the name of the owner; (4) a statement that the applicant will comply with specified laws, rules, and regulations; (5) a statement that the applicant has sufficient resources to establish a private group home; and (6) a statement that the applicant's facilities meet federal regulation requirements on program accessibility.

Behavioral Health Programs

Chapter 801 of 2021 requires behavioral health programs to establish and implement a safety plan 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. BHA may authorize a program to satisfy the safety plan requirement by implementing a safety plan established for another purpose.

Facilities Regulated by the Maryland Department of Health

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

Juvenile Care Facility

DJS must adopt regulations to set standards for juvenile detention facilities, including provisions establishing (1) a policy that eliminates the unnecessary use of detention and that prioritizes diversion and appropriate nonsecure alternatives; (2) criteria for the placement of a child in a particular juvenile detention facility; (3) population limits that may not be exceeded except in emergency circumstances; (4) a requirement that staffing ratios and levels of services be maintained during emergencies; (5) specifications for the architectural structure of a juvenile detention facility; (6) staff qualifications and training; (7) the ratio of staff to children; (8) the rights of children, as specified; (9) prohibitions against the use of excessive force against a child; (10) internal auditing and monitoring of programs and facilities; and (11) prohibitions against the use of physical restraints on an individual known to be in the third trimester of pregnancy or during labor, delivery, or postpartum recovery, as specified.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 3 (Senator Carter) - Finance.

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

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