

# HOUSE BILL 732

D3, J1

3lr0502  
CF SB 600

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By: **Delegates Pena–Melnik, Bagnall, Cullison, and Kelly**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Mental Health Care Provider Immunity and Establishment of Specialty**  
3 **Tertiary Care Psychiatric Programs**

4 FOR the purpose of establishing that certain mental health care providers, administrators  
5 of certain programs, and certain employees of administrators have immunity from  
6 liability for certain actions related to harm to or from certain patients; providing that  
7 the Maryland Department of Health is a “reporting agency” for purposes of certain  
8 provisions of law governing public–private partnerships under certain  
9 circumstances; and generally relating to mental health care provider immunity and  
10 the establishment of specialty tertiary care psychiatric programs.

11 BY adding to  
12 Article – Courts and Judicial Proceedings  
13 Section 5–609.1  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – State Finance and Procurement  
18 Section 10A–101(a)  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2022 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – State Finance and Procurement  
23 Section 10A–101(g)  
24 Annotated Code of Maryland  
25 (2021 Replacement Volume and 2022 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   **Article – Courts and Judicial Proceedings**

2   **5–609.1.**

3           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5                   **(2) “ADMINISTRATOR” MEANS AN ADMINISTRATOR OF A SPECIALTY**  
6 **TERTIARY CARE PSYCHIATRIC PROGRAM AUTHORIZED BY THE MARYLAND**  
7 **DEPARTMENT OF HEALTH.**

8                   **(3) “MENTAL HEALTH CARE PROVIDER” MEANS A MENTAL HEALTH**  
9 **CARE PROVIDER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE THAT**  
10 **PROVIDES TREATMENT OR SERVICES TO PROGRAM PATIENTS.**

11                   **(4) “PROGRAM PATIENT” MEANS AN INDIVIDUAL ENROLLED IN A**  
12 **SPECIALTY TERTIARY CARE PSYCHIATRIC PROGRAM AUTHORIZED BY THE**  
13 **MARYLAND DEPARTMENT OF HEALTH.**

14           **(B) A CAUSE OF ACTION OR DISCIPLINARY ACTION MAY NOT ARISE AGAINST**  
15 **ANY MENTAL HEALTH CARE PROVIDER OR ADMINISTRATOR, OR EMPLOYEE OF AN**  
16 **ADMINISTRATOR WHILE ACTING WITHIN THE SCOPE OF THE EMPLOYEE’S DUTIES,**  
17 **FOR ANY CLAIM FOR DAMAGES ALLEGING HARM TO A PROGRAM PATIENT OR**  
18 **RESULTING FROM THE ACTIONS OF A PROGRAM PATIENT, WHILE THE PROGRAM**  
19 **PATIENT IS UNDER THE CARE AND SUPERVISION OF THE MENTAL HEALTH CARE**  
20 **PROVIDER OR ADMINISTRATOR.**

21                                   **Article – State Finance and Procurement**

22   **10A–101.**

23           (a) In this title the following words have the meanings indicated.

24           (g) “Reporting agency” means:

25                   (1) the Department of General Services;

26                   (2) the Maryland Department of Transportation, for public infrastructure  
27 assets of any of its modal administrations;

28                   (3) the Maryland Transportation Authority;

29                   (4) the University System of Maryland;

- 1           (5)    Morgan State University;
- 2           (6)    St. Mary’s College of Maryland; [and]
- 3           (7)    the Baltimore City Community College; AND

4           **(8)    THE MARYLAND DEPARTMENT OF HEALTH, FOR THE**  
5 **ESTABLISHMENT OF A SPECIALTY TERTIARY CARE PSYCHIATRIC PROGRAM IN A**  
6 **PRIVATE FACILITY.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That on or before February 1 each  
8 year, the Maryland Department of Health shall report to the Senate Judicial Proceedings  
9 Committee and the House Health and Government Operations Committee, in accordance  
10 with § 2–1257 of the State Government Article, on:

11           (1)    the number of individuals enrolled in specialty tertiary care psychiatric  
12 programs authorized by the Maryland Department of Health during the prior calendar  
13 year; and

14           (2)    for each specialty tertiary care psychiatric program authorized by the  
15 Maryland Department of Health for the prior calendar year, the number, by level, of  
16 adverse events and near–misses, as defined in COMAR 10.07.06.02.

17           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2023. It shall remain effective for a period of 3 years and, at the end of September  
19 30, 2026, this Act, with no further action required by the General Assembly, shall be  
20 abrogated and of no further force and effect.