

HOUSE BILL 1396

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HB 1198/23 – HGO

4lr3085

By: Delegates Howard, Arentz, Buckel, Griffith, Hinebaugh, Hornberger, McComas, Miller, Mireku–North, T. Morgan, Munoz, Taylor, and Tomlinson Tomlinson, Pena–Melnik, Cullison, Alston, Bagnall, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woods

Introduced and read first time: February 9, 2024
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 ~~Drug and Alcohol Treatment Programs – Discharge of Patients and Referral~~
3 ~~Services – Standards~~
4 Maryland Department of Health – Substance Use Disorder Treatment and
5 Recovery Levels of Care – Study

6 FOR the purpose of requiring the Maryland Department of Health to ~~establish by~~
7 ~~regulation standards relating to the discharge of patients from drug and alcohol~~
8 ~~treatment programs and certain referral services offered to patients by certain drug~~
9 ~~and alcohol treatment programs~~ conduct a certain study on linkages between levels
10 of care within the substance use disorder treatment and recovery continuum of care;
11 and generally relating to the Maryland Department of Health and standards
12 applicable to drug and alcohol treatment programs in the State a study on linkages
13 between levels of care within the substance use disorder treatment and recovery
14 continuum of care.

15 ~~BY adding to~~
16 ~~Article – Health – General~~
17 ~~Section 7.5 – 402.1~~
18 ~~Annotated Code of Maryland~~
19 ~~(2023 Replacement Volume)~~

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 (a) The Maryland Department of Health shall conduct a study regarding the
4 linkages between the various levels of care within the substance use disorder treatment
5 and recovery continuum of care.

6 (b) The study required under subsection (a) of this section shall examine:

7 (1) linkages from high-intensity outpatient treatment programs to a
8 patient's need for comprehensive services, including:

9 (i) additional treatment;

10 (ii) housing; and

11 (iii) other social services support; and

12 (2) existing requirements related to discharge planning in accreditation
13 standards, statute, and regulation.

14 (c) The Department shall make recommendations on improvements to existing
15 discharge and linkage requirements and improvements to the process for enforcing the
16 discharge and linkage requirements.

17 (d) On or before December 1, 2024, the Department shall report to the Senate
18 Finance Committee and the House Health and Government Operations Committee, in
19 accordance with § 2-1257 of the State Government Article, on the study conducted under
20 subsection (a) of this section.

21 ~~Article Health General~~

22 ~~7.5-402.1.~~

23 ~~(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
24 ~~INDICATED.~~

25 ~~(1) "ASAM LEVEL 3.1 SERVICES" HAS THE MEANING STATED IN §~~
26 ~~7.5-601 OF THIS TITLE.~~

27 ~~(2) "TREATMENT PROGRAM" MEANS AN ENTITY THAT:~~

28 ~~(i) PROVIDES TREATMENT, CARE, OR REHABILITATION FOR~~
29 ~~PATIENTS WHO SHOW THE EFFECTS OF DRUG OR ALCOHOL ABUSE;~~

1 ~~(H) REPRESENTS OR ADVERTISES ITSELF AS AN ALCOHOL OR~~
2 ~~OTHER DRUG ABUSE TREATMENT PROGRAM; AND~~

3 ~~(HH) IS REQUIRED TO OBTAIN A CERTIFICATION FROM THE~~
4 ~~ADMINISTRATION TO PROVIDE DRUG AND ALCOHOL TREATMENT SERVICES IN THE~~
5 ~~STATE.~~

6 ~~(B) (1) THE DEPARTMENT SHALL ESTABLISH BY REGULATION~~
7 ~~STANDARDS FOR THE DISCHARGE OF PATIENTS FROM TREATMENT PROGRAMS.~~

8 ~~(2) THE STANDARDS ESTABLISHED IN REGULATION UNDER~~
9 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL:~~

10 ~~(I) REQUIRE THAT A DISCHARGE FROM A TREATMENT~~
11 ~~PROGRAM BE APPROPRIATE FOR THE PATIENT'S MENTAL HEALTH OR SUBSTANCE~~
12 ~~USE DISORDER DIAGNOSIS;~~

13 ~~(H) 1. PROHIBIT A TREATMENT PROGRAM FROM~~
14 ~~DISCHARGING THE PATIENT IF THE PATIENT:~~

15 ~~A. WILL BE HOMELESS OR RESIDE IN A HOMELESS~~
16 ~~SHELTER ON DISCHARGE; AND~~

17 ~~B. NEEDS TO RECEIVE CARE IN A RESIDENTIAL~~
18 ~~PROGRAM BASED ON THE ASSESSMENT CONDUCTED OR UNDER THE TREATMENT~~
19 ~~PLAN PREPARED FOR THE PATIENT; AND~~

20 ~~2. REQUIRE A TREATMENT PROGRAM TO REFER THE~~
21 ~~PATIENT WHO MEETS THE CRITERIA UNDER ITEM 1 OF THIS ITEM TO RECEIVE CARE~~
22 ~~IN A HALFWAY HOUSE THAT PROVIDES ASAM LEVEL 3.1 SERVICES OR AN~~
23 ~~APPROPRIATE RECOVERY RESIDENCE IF THE PATIENT IS WILLING TO RECEIVE THIS~~
24 ~~LEVEL OF CARE;~~

25 ~~(HH) BEFORE OR AT THE TIME OF DISCHARGE, REQUIRE A~~
26 ~~TREATMENT PROGRAM TO REFER AND FACILITATE ENTRY OF A PATIENT INTO A~~
27 ~~PROGRAM OR SERVICE IDENTIFIED AS A NEED FOR THE PATIENT UNDER THE~~
28 ~~ASSESSMENT CONDUCTED OR UNDER THE TREATMENT PLAN PREPARED FOR THE~~
29 ~~PATIENT, INCLUDING PROGRAMS OR SERVICES TO:~~

30 ~~1. ADDRESS NEEDS RELATING TO:~~

31 ~~A. PHYSICAL AND MENTAL HEALTH;~~

32 ~~B. EMPLOYMENT OR FINANCIAL SUPPORT;~~

~~C. DRUG AND ALCOHOL TREATMENT AT THE ASAM LEVEL APPROPRIATE FOR THE PATIENT;~~

~~D. LEGAL REPRESENTATION AND ASSISTANCE;~~

~~E. FAMILY AND SOCIAL MATTERS; AND~~

~~F. EDUCATION; AND~~

~~2. PROVIDE APPROPRIATE INDIVIDUALIZED INTERVENTIONS FOR THE PATIENT, INCLUDING:~~

~~A. SHORT AND LONG RANGE TREATMENT;~~

~~B. CLINICAL SERVICES, INCLUDING INDIVIDUAL, GROUP, AND FAMILY COUNSELING;~~

~~C. SELF-HELP GROUPS; AND~~

~~D. OTHER ANCILLARY SERVICES SPECIFIED IN THE TREATMENT PLAN;~~

~~(IV) IF THE PATIENT IS TRANSITIONING FROM ONE RESIDENTIAL TREATMENT PROGRAM TO ANOTHER RESIDENTIAL TREATMENT PROGRAM, REQUIRE THAT THE REFERRAL FOR ANY OUTPATIENT SERVICES LISTED UNDER ITEM (III) OF THIS ITEM AND NOT PROVIDED BY THE RECEIVING TREATMENT PROGRAM BE IN PLACE BEFORE THE TRANSFER OF THE PATIENT TO THE RECEIVING TREATMENT PROGRAM; AND~~

~~(V) IF THE PATIENT IS TRANSITIONING TO A HOMELESS SHELTER, REQUIRE THAT THE REFERRAL FOR ANY OUTPATIENT SERVICES LISTED UNDER ITEM (III) OF THIS ITEM AND NOT PROVIDED BY THE HOMELESS SHELTER BE IN PLACE BEFORE THE TRANSFER OF THE PATIENT TO THE HOMELESS SHELTER.~~

~~(C) (1) THIS SUBSECTION APPLIES TO:~~

~~(I) AN ASAM LEVEL 3.3 CLINICALLY MANAGED MEDIUM INTENSITY TREATMENT PROGRAM; AND~~

~~(II) AN ASAM LEVEL 3.5 CLINICALLY MANAGED HIGH INTENSITY RESIDENTIAL PROGRAM.~~

~~(2) THE DEPARTMENT SHALL ESTABLISH BY REGULATION STANDARDS FOR REFERRAL SERVICES OFFERED TO PATIENTS BY TREATMENT PROGRAMS SUBJECT TO THIS SUBSECTION.~~

~~(3) THE STANDARDS ESTABLISHED BY REGULATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:~~

~~(i) 1. REQUIRE A TREATMENT PROGRAM TO IMPLEMENT AN AGREEMENT REFERRING A PATIENT TO RECEIVE SERVICES WITHIN 3 WORKING DAYS OF SIGNING AN INDIVIDUALIZED TREATMENT PLAN WHEN THE PLAN INCLUDES REFERRAL SERVICES FOR:~~

~~A. MEDICAL CARE;~~

~~B. SERVICES THROUGH THE MARYLAND DIVISION OF REHABILITATION SERVICES;~~

~~C. MENTAL HEALTH SERVICES;~~

~~D. SUBSTANCE ABUSE TREATMENT;~~

~~E. LEGAL REPRESENTATION OR ASSISTANCE;~~

~~F. FAMILY SERVICES; OR~~

~~G. SOCIAL SERVICES; AND~~

~~2. REQUIRE THE INDIVIDUALIZED TREATMENT PLAN TO INCLUDE A PLAN FOR HOW THE PATIENT WILL ACCESS THE SERVICES LISTED UNDER ITEM 1 OF THIS ITEM; AND~~

~~(ii) REQUIRE THAT TREATMENT PROGRAM REFERRAL AGREEMENTS REMAIN VALID IN THE EVENT OF A PATIENT'S DISCHARGE FROM A TREATMENT PROGRAM TO ENSURE THE CONTINUITY OF RECEIPT OF THE REFERRAL SERVICES BY THE PATIENT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2024, the Maryland Department of Health shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly that includes:~~

~~(1) the status of the adoption and revision of regulations to implement the requirements of this Act and Chapter 580 of the Acts of the General Assembly of 2017; and~~

1 ~~(2) a plan for the enforcement of the statutory and regulatory requirements~~
2 ~~under this Act and Chapter 580 of the Acts of the General Assembly of 2017.~~

3 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.