

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**

Introduced and read first time: February 9, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Drug and Alcohol Treatment Programs – Discharge of Patients and Referral**
3 **Services – Standards**

4 FOR the purpose of requiring the Maryland Department of Health to establish by
5 regulation standards relating to the discharge of patients from drug and alcohol
6 treatment programs and certain referral services offered to patients by certain drug
7 and alcohol treatment programs; and generally relating to the Maryland Department
8 of Health and standards applicable to drug and alcohol treatment programs in the
9 State.

10 BY adding to
11 Article – Health – General
12 Section 7.5–402.1
13 Annotated Code of Maryland
14 (2023 Replacement Volume)

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

17 **Article – Health – General**

18 **7.5–402.1.**

19 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (1) “ASAM LEVEL 3.1 SERVICES” HAS THE MEANING STATED IN §
22 7.5–601 OF THIS TITLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(I) PROVIDES TREATMENT, CARE, OR REHABILITATION FOR PATIENTS WHO SHOW THE EFFECTS OF DRUG OR ALCOHOL ABUSE;

(II) REPRESENTS OR ADVERTISES ITSELF AS AN ALCOHOL OR OTHER DRUG ABUSE TREATMENT PROGRAM; AND

(III) IS REQUIRED TO OBTAIN A CERTIFICATION FROM THE ADMINISTRATION TO PROVIDE DRUG AND ALCOHOL TREATMENT SERVICES IN THE STATE.

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

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

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

(II) 1. PROHIBIT A TREATMENT PROGRAM FROM DISCHARGING THE PATIENT IF THE PATIENT:

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

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

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

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

1 1. ADDRESS NEEDS RELATING TO:

2 A. PHYSICAL AND MENTAL HEALTH;

3 B. EMPLOYMENT OR FINANCIAL SUPPORT;

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

6 D. LEGAL REPRESENTATION AND ASSISTANCE;

7 E. FAMILY AND SOCIAL MATTERS; AND

8 F. EDUCATION; AND

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

11 A. SHORT- AND LONG-RANGE TREATMENT;

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

14 C. SELF-HELP GROUPS; AND

15 D. OTHER ANCILLARY SERVICES SPECIFIED IN THE
16 TREATMENT PLAN;

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

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

27 (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

1 accordance with § 2–1257 of the State Government Article, the General Assembly that
2 includes:

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

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2024.