

HOUSE BILL 515

J1, J3

7lr1447

By: **Delegates Morhaim, Anderson, Barve, Cluster, Dumais, Fraser-Hidalgo, Frick, Glass, Gutierrez, Healey, Hettleman, S. Howard, Kittleman, Lam, Lierman, A. Miller, Moon, Queen, Robinson, Tarlau, Turner, West, and K. Young**

Introduced and read first time: January 27, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Establishment of Substance Use Treatment Program – Requirements**

3 FOR the purpose of requiring certain hospitals to establish a certain substance use
4 treatment program; providing for the purpose of the program; requiring certain
5 hospitals to operate or contract to operate certain treatment units or to refer certain
6 patients to a certain treatment unit; requiring the program to include a substance
7 use treatment counselor who is available in a certain manner and on a certain basis
8 and provides certain services; requiring the Health Services Cost Review
9 Commission to include sufficient amounts to fund certain costs of the substance use
10 treatment programs established under certain provisions of this Act when
11 establishing certain rate levels and rate increases; requiring the Commission, or an
12 entity authorized by the Commission, to develop a certain methodology and conduct
13 a certain analysis; providing for a delayed effective date; and generally relating to
14 substance use treatment programs in hospitals.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 19–219
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2016 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 19–310.3
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2016 Supplement)

25 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, Individuals with substance use problems are seen routinely in hospitals, especially in emergency departments, for a variety of somatic, psychological, and substance use related medical and surgical issues; and

WHEREAS, Hospitals are open 24 hours a day and 7 days a week, are often on public transportation routes, are situated throughout the State in known locations, have safety and security systems, and are accountable for quality and fiscal reviews; and

WHEREAS, Initiating treatment for individuals with substance use problems is best done in the moment and without delay; and

WHEREAS, Getting individuals with substance use problems into treatment programs has been shown to be very cost effective in reducing both health care costs and societal costs; and

WHEREAS, Treatment on demand and at need is essential to get individuals with substance use problems into treatment; now, therefore,

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

Article – Health – General

19–219.

(a) The Commission may review the costs, and rates, quality, and efficiency of facility services, and make any investigation that the Commission considers necessary to assure each purchaser of health care facility services that:

(1) The total costs of all hospital services offered by or through a facility are reasonable;

(2) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and

(3) The rates are set equitably among all purchasers or classes of purchasers without undue discrimination or preference.

(b) (1) To carry out its powers under subsection (a) of this section, the Commission may review and approve or disapprove the reasonableness of any rate or amount of revenue that a facility sets or requests.

(2) A facility shall:

(i) Charge for services only at a rate set in accordance with this subtitle; and

(ii) Comply with the applicable terms and conditions of Maryland's all-payer model contract approved by the federal Center for Medicare and Medicaid Innovation.

(3) In determining the reasonableness of rates, the Commission may take into account objective standards of efficiency and effectiveness.

(c) Consistent with Maryland's all-payer model contract approved by the federal Center for Medicare and Medicaid Innovation, and notwithstanding any other provision of this subtitle, the Commission may:

(1) Establish hospital rate levels and rate increases in the aggregate or on a hospital-specific basis; and

(2) Promote and approve alternative methods of rate determination and payment of an experimental nature for the duration of the all-payer model contract.

(D) THE AGGREGATE OR HOSPITAL-SPECIFIC RATE LEVELS AND RATE INCREASES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE SUFFICIENT AMOUNTS TO FUND THE CAPITAL AND OPERATING COSTS OF THE SUBSTANCE USE PROGRAMS REQUIRED BY § 19-310.3 OF THIS TITLE.

19-310.3.

(A) EACH HOSPITAL SHALL ESTABLISH A SUBSTANCE USE TREATMENT PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) IDENTIFY PATIENTS IN NEED OF SUBSTANCE USE TREATMENT;
AND

(2) (I) ADMIT THE PATIENT TO THE APPROPRIATE SUBSTANCE USE TREATMENT SETTING; OR

(II) IF ADMISSION IS NOT REQUIRED, DIRECT THE PATIENT TO THE APPROPRIATE OUTPATIENT TREATMENT SETTING.

(C) EACH HOSPITAL SHALL:

(1) OPERATE AN INPATIENT AND OUTPATIENT SUBSTANCE USE TREATMENT UNIT;

1 **(2) CONTRACT TO OPERATE AN INPATIENT AND OUTPATIENT**
2 **SUBSTANCE USE TREATMENT UNIT WITHIN ITS HOSPITAL SYSTEM, WITH ANOTHER**
3 **HOSPITAL'S SYSTEM, OR WITH AN OUTSIDE ENTITY; OR**

4 **(3) REFER A PATIENT IN NEED OF SUBSTANCE USE TREATMENT TO AN**
5 **APPROPRIATE INPATIENT OR OUTPATIENT SUBSTANCE USE TREATMENT UNIT.**

6 **(D) THE PROGRAM SHALL INCLUDE A SUBSTANCE USE TREATMENT**
7 **COUNSELOR WHO IS AVAILABLE IN PERSON OR THROUGH TELEMEDICINE:**

8 **(1) 24 HOURS A DAY AND 7 DAYS A WEEK EITHER ON-SITE OR**
9 **ON-CALL WITHIN 4 HOURS OF NOTIFICATION BY THE HOSPITAL;**

10 **(2) TO PROVIDE SCREENING, INTERVENTION, REFERRAL, AND**
11 **TREATMENT FOR PATIENTS IN EMERGENCY DEPARTMENTS; AND**

12 **(3) TO EVALUATE PATIENTS AND DIRECT PATIENTS TO THE**
13 **APPROPRIATE CARE SETTING THAT IS CONSISTENT WITH THE NEEDS OF THE**
14 **PATIENT.**

15 **(E) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN § 19-219(D) OF THIS**
16 **TITLE.**

17 **(F) THE HEALTH SERVICES COST REVIEW COMMISSION, OR AN ENTITY**
18 **AUTHORIZED BY THE COMMISSION, SHALL DEVELOP A METHODOLOGY TO**
19 **EVALUATE THE EFFECTIVENESS OF THE PROGRAM, INCLUDING AN ANALYSIS OF THE**
20 **EFFECT OF THE PROGRAM ON HOSPITAL ADMISSIONS, RATES, AND COSTS,**
21 **INCLUDING ANY COST SAVINGS.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
23 **October 1, 2018.**