

SENATE BILL 1129

J1

7lr3595

By: **Senator Mathias**

Introduced and read first time: February 22, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Substance Use Disorder Treatment – Licensing of Outpatient Programs and**
3 **Provision of Naloxone Kits**

4 FOR the purpose of prohibiting the Secretary of Health and Mental Hygiene from requiring,
5 under certain circumstances, that an outpatient substance use disorder treatment
6 program be granted certain accreditation as a condition of licensure; requiring each
7 hospital emergency department to establish and implement a policy of providing a
8 naloxone kit to certain patients and training the patients in the proper method of
9 administering the naloxone before the patient is released; requiring each local health
10 department that provides substance use disorder treatment to provide a naloxone
11 kit to certain patients during a certain evaluation and train the patients in the
12 proper method of administering the naloxone; requiring the Department of Public
13 Safety and Correctional Services to require each State and county correctional
14 department to provide a naloxone kit to certain inmates before releasing the inmates
15 and train the inmates in the proper method of administering the naloxone; making
16 a conforming change; and generally relating to the treatment of substance use
17 disorders.

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 7.5–402
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2016 Supplement)

23 BY adding to
24 Article – Health – General
25 Section 8–1101 to be under the new subtitle “Subtitle 11. Provision of Naloxone Kits”
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Health – General

7.5–402.

(a) Regulations adopted under this subtitle shall include:

(1) The requirements for licensure of a behavioral health program;

(2) The process for a behavioral health program to apply for a license;

(3) A description of the behavioral health programs that are required to be licensed;

(4) Any requirements for the governance of a behavioral health program, including a provision prohibiting a conflict of interest between the interests of the provider and those of the individual receiving services;

(5) Provisions for inspections of a behavioral health program, including inspection and copying of the records of a behavioral health program in accordance with State and federal law; and

(6) Provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil monetary penalties, and notice and an opportunity to be heard.

(b) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE** Secretary may require a behavioral health program to be granted accreditation by an accreditation organization approved by the Secretary under Title 19, Subtitle 23 of this article as a condition of licensure under regulations adopted under this subtitle.

(2) By becoming licensed in accordance with paragraph (1) of this subsection, a program agrees to comply with all applicable standards of the accreditation organization.

(3) THE SECRETARY MAY NOT REQUIRE AN OUTPATIENT SUBSTANCE USE DISORDER TREATMENT PROGRAM TO BE GRANTED ACCREDITATION BY AN ACCREDITATION ORGANIZATION APPROVED BY THE SECRETARY UNDER TITLE 19, SUBTITLE 23 OF THIS ARTICLE AS A CONDITION OF LICENSURE IF THE OUTPATIENT SUBSTANCE USE DISORDER TREATMENT PROGRAM:

(I) DOES NOT PROVIDE RESIDENTIAL BEDS;

1 **(II) DOES NOT PROVIDE METHADONE;**

2 **(III) DOES NOT OPERATE OR MANAGE SUBSTANCE USE**
3 **DISORDER HALFWAY HOUSES;**

4 **(IV) TREATS PATIENTS IN FACILITIES LOCATED OUTSIDE OF**
5 **BALTIMORE CITY OR BALTIMORE COUNTY;**

6 **(V) HAS A CAPACITY TO TREAT NO MORE THAN 100 OPIOID USE**
7 **DISORDER PATIENTS IN A MEDICATION ASSISTED SUBSTANCE ABUSE TREATMENT**
8 **PROGRAM USING BUPRENORPHINE; AND**

9 **(VI) GENERATES LESS THAN \$2,000,000 IN REVENUE.**

10 (c) Regulations adopted under this subtitle may include provisions setting
11 reasonable fees for applying for a license and for the issuance and renewal of licenses.

12 **SUBTITLE 11. PROVISION OF NALOXONE KITS.**

13 **8-1101.**

14 **(A) EACH HOSPITAL EMERGENCY DEPARTMENT SHALL ESTABLISH AND**
15 **IMPLEMENT A POLICY OF:**

16 **(1) PROVIDING A NALOXONE KIT TO EACH PATIENT WHO HAS BEEN**
17 **ADMITTED FOR AN OPIOID OVERDOSE; AND**

18 **(2) TRAINING EACH PATIENT WHO HAS BEEN PROVIDED A NALOXONE**
19 **KIT IN THE PROPER METHOD OF ADMINISTERING THE NALOXONE BEFORE THE**
20 **PATIENT IS RELEASED.**

21 **(B) EACH LOCAL HEALTH DEPARTMENT THAT PROVIDES SUBSTANCE USE**
22 **DISORDER TREATMENT SHALL:**

23 **(1) PROVIDE A NALOXONE KIT TO EACH PATIENT DURING THE**
24 **INITIAL DIAGNOSTIC EVALUATION AFTER CONFIRMING A DIAGNOSIS OF AN OPIOID**
25 **USE DISORDER; AND**

26 **(2) TRAIN EACH PATIENT WHO HAS BEEN PROVIDED A NALOXONE KIT**
27 **IN THE PROPER METHOD OF ADMINISTERING THE NALOXONE.**

28 **(C) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**
29 **SHALL REQUIRE EACH STATE AND COUNTY CORRECTIONAL DEPARTMENT TO:**

1 **(1) PROVIDE A NALOXONE KIT TO EACH INMATE WITH A HISTORY OF**
2 **AN OPIOID USE DISORDER BEFORE RELEASING THE INMATE; AND**

3 **(2) TRAIN EACH INMATE WHO HAS BEEN PROVIDED A NALOXONE KIT**
4 **IN THE PROPER METHOD OF ADMINISTERING THE NALOXONE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.