

# HOUSE BILL 1121

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By: **Delegates Pena-Melnyk, Bagnall, K. Young, Bartlett, Carey, Cullison, Fraser-Hidalgo, Howard, Kelly, Lehman, Pendergrass, Proctor, Shetty, and Valderrama** ~~Valderrama~~ **Valderrama, Barron, Belcastro, Bhandari, Carr, Charles, Chisholm, Hill, Johnson, Kerr, Kipke, Krebs, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Sample-Hughes, and Szeliga**

Introduced and read first time: February 6, 2020

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Mental Health and Substance Use Disorder Registry and Referral**  
3 **System**

4 FOR the purpose of establishing the Maryland Mental Health and Substance Use Disorder  
5 Registry and Referral System in the Maryland Department of Health; providing for  
6 the purpose of the Registry and Referral System; requiring, subject to the availability  
7 of funds, the Department to develop and implement the Registry and Referral  
8 System in collaboration with a certain entity; requiring the Registry and Referral  
9 System to include certain elements; requiring the Department to determine the  
10 appropriate technology to support the operation of the Registry and Referral System  
11 and to consider certain factors when determining the appropriate technology;  
12 establishing the Maryland Mental Health and Substance Use Disorder Registry and  
13 Referral System Advisory Committee; providing for the membership of the Advisory  
14 Committee; requiring the Advisory Committee to make certain recommendations to  
15 the Department; requiring the Advisory Committee to report to certain committees  
16 of the General Assembly on or before a certain date each year; ~~providing for the~~  
17 ~~funding of the Registry and Referral System~~ requiring the Department to adopt  
18 certain regulations; requiring hospitals to ensure the availability of staff for a certain  
19 purpose; requiring, on or before a certain date, the Department, in collaboration with  
20 a certain entity, to develop and make available a certain resource directory, develop  
21 a certain pilot program, develop a certain plan, and report to certain committees of

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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.



the General Assembly; defining certain terms; and generally relating to the Maryland Mental Health and Substance Use Disorder Registry and Referral System.

BY adding to

Article – Health – General

Section 7.5–801 and 7.5–802 to be under the new subtitle “Subtitle 8. Maryland Mental Health and Substance Use Disorder Registry and Referral System”

Annotated Code of Maryland  
(2019 Replacement Volume)

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

### **Article – Health – General**

#### **SUBTITLE 8. MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM.**

##### **7.5–801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADVISORY COMMITTEE” MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

(C) “REGISTRY AND REFERRAL SYSTEM” MEANS THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM.

(D) “STATE-DESIGNATED HEALTH INFORMATION EXCHANGE” MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE MARYLAND HEALTH CARE COMMISSION UNDER § 19–143 OF THIS ARTICLE.

##### **7.5–802.**

(A) (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE USE DISORDER REGISTRY AND REFERRAL SYSTEM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE REGISTRY AND REFERRAL SYSTEM IS TO PROVIDE A STATEWIDE SYSTEM THROUGH WHICH HEALTH CARE PROVIDERS CAN IDENTIFY AND ACCESS AVAILABLE INPATIENT AND OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES FOR PATIENTS IN A SEAMLESS MANNER.

1           (3) ~~THE~~ SUBJECT TO THE AVAILABILITY OF FUNDS, THE  
2 DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE REGISTRY AND REFERRAL  
3 SYSTEM, IN COLLABORATION WITH THE STATE-DESIGNATED HEALTH  
4 INFORMATION EXCHANGE.

5           (4) THE REGISTRY AND REFERRAL SYSTEM SHALL INCLUDE:

6                   (I) A SEARCHABLE INVENTORY OF ANY PROVIDER OF MENTAL  
7 HEALTH AND SUBSTANCE USE DISORDER SERVICES, INCLUDING INPATIENT, CRISIS,  
8 AND OUTPATIENT SERVICES;

9                   (II) THE CAPABILITY TO ALLOW A PROVIDER OF MENTAL  
10 HEALTH AND SUBSTANCE USE DISORDER SERVICES TO UPDATE REGISTRY  
11 INFORMATION INCLUDING THE REAL-TIME AVAILABILITY OF SERVICES; AND

12                   (III) AN ELECTRONIC REFERRAL SYSTEM THAT IS AVAILABLE TO  
13 ANY HEALTH CARE PROVIDER IN THE STATE TO FACILITATE ELECTRONIC  
14 REFERRALS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS.

15           (B) THE DEPARTMENT SHALL:

16                   (1) DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE  
17 OPERATION OF THE REGISTRY AND REFERRAL SYSTEM; AND

18                   (2) TO THE EXTENT PRACTICABLE, CONSIDER EXISTING  
19 TECHNOLOGY OPERATED BY THE STATE-DESIGNATED HEALTH INFORMATION  
20 EXCHANGE, WORKFLOW OF PROVIDERS, AND PRACTICES OF PROVIDERS WHEN  
21 DETERMINING THE APPROPRIATE TECHNOLOGY FOR THE REGISTRY AND  
22 REFERRAL SYSTEM.

23           ~~(B)~~ (C)   (1) THERE IS A MARYLAND MENTAL HEALTH AND SUBSTANCE  
24 USE DISORDER REGISTRY AND REFERRAL SYSTEM ADVISORY COMMITTEE.

25                   (2) THE ADVISORY COMMITTEE SHALL ADVISE THE DEPARTMENT ON  
26 THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL  
27 SYSTEM.

28           (3) THE ADVISORY COMMITTEE SHALL INCLUDE:

29                   (I) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH, OR  
30 THE DEPUTY SECRETARY'S DESIGNEE;

31                   (II) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES,  
32 OR THE DEPUTY SECRETARY'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) ONE REPRESENTATIVE ~~FROM THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE, DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE COMMISSION~~ WITH EXPERTISE IN HEALTH INFORMATION TECHNOLOGY, DESIGNATED BY THE MARYLAND CHAPTER OF THE HEALTHCARE INFORMATION AND MANAGEMENT SYSTEMS SOCIETY;

(V) PROVIDERS OF MENTAL HEALTH AND SUBSTANCE USE SERVICES; AND

(VI) ANY OTHER REPRESENTATIVES CONSIDERED NECESSARY BY THE DEPARTMENT TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

(4) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING TO THE DESIGN, DEVELOPMENT, IMPLEMENTATION, AND FUNDING OF THE REGISTRY AND REFERRAL SYSTEM ON:

(I) NECESSARY REGULATIONS;

(II) THE STATUS OF THE RESOURCE DIRECTORY AND PILOT PROGRAM DEVELOPED BY THE DEPARTMENT; AND

(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS.

~~(4)~~ (5) ON OR BEFORE JANUARY 1 EACH YEAR, THE ADVISORY COMMITTEE SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE REGISTRY AND REFERRAL SYSTEM.

~~(C) THE REGISTRY AND REFERRAL SYSTEM SHALL BE FUNDED BY:~~

~~(1) THE HEALTH SERVICES COST REVIEW COMMISSION; OR~~

~~(2) ANY OTHER AVAILABLE FUNDING SOURCE.~~

(D) EACH HOSPITAL SHALL ENSURE THE AVAILABILITY OF STAFF TO IDENTIFY APPROPRIATE AND AVAILABLE SERVICES FOR PATIENTS IN THE HOSPITAL

1 WHO ARE IN NEED OF MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES  
2 AND TO ASSIST THE PATIENT IN ACCESSING THE SERVICES.

3 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
4 SUBTITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
6 2021, the Maryland Department of Health, in collaboration with the State-designated  
7 Health Information Exchange, shall:

8 (1) develop and make available a resource directory of mental health and  
9 substance use disorder providers' inventory ~~that:~~

10 ~~(i) tracks inventory of services by type, location, and organization;~~  
11 ~~and~~

12 ~~(ii) is available to the public;~~

13 (2) develop a registry and referral system pilot program in at least two  
14 jurisdictions in the State to assess the feasibility and necessity of mandating all inpatient  
15 and outpatient mental health and substance use disorder providers to update registry  
16 information in real time; ~~and~~

17 (3) develop a plan for funding the statewide expansion of the Maryland  
18 Mental Health and Substance Use Disorder Registry and Referral System established  
19 under § 7.5-802 of the Health – General Article, as enacted by Section 1 of this Act, and  
20 ongoing operations of the Registry and Referral System; and

21 ~~(3)~~ (4) report to the Senate Finance Committee and the House Health and  
22 Government Operations Committee, in accordance with § 2-1257 of the State Government  
23 Article, on:

24 (i) the development of the resource directory required under item  
25 (1) of this section; ~~and~~

26 (ii) the development of the pilot program required under item (2) of  
27 this section; and

28 (iii) recommendations for enforcement mechanisms to be applied to  
29 providers who are mandated to use the Maryland Mental Health and Substance Use  
30 Disorder Registry and Referral System established under § 7.5-802 of the Health – General  
31 Article, as enacted by Section 1 of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
33 1, 2020.