

2024-06-17B

PROPOSED REGULATION PUBLICATION FORMS

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, [and] 10-901, and 10-1401—1405
Annotated Code of Maryland

10.63.06.02 (June 7~~April 1~~, 2024)

.02 License Application Process for All Community-Based Behavioral Health Programs.

A. Except for DUI and Level 0.5, before an application for a license is submitted, an owner or member of required management staff from the prospective program shall provide documentation of completion of an Applicant Interest/Orientation program presented by the Department within a year before submitting a license application.

[A.] *B.* An applicant for a license, whether accreditation or non-accreditation-based, to provide community-based behavioral health services shall:

(1) Use the application form required by the Department;

(2) Include the following information with the application:

(a) Verification that the program complies with the program descriptions and criteria set out in this subtitle;

(b) Attestation of compliance with relevant federal, State, or local ordinances, laws, regulations, and orders governing the program;

(c) Disclosure of the following:

(i) Any revocation of a license, certificate, or approval issued within the previous 10 years from any in-State or out-of-State provider previously or currently associated with the applicant, including deficiency reports and compliance records;

(ii) Whether the applicant, or a program, corporation, or provider previously or currently associated with the applicant, has surrendered or defaulted on its license, certificate, or approval for reasons related to disciplinary action, within the previous 10 years;

(iii) The identity of any individual who has served as a corporate officer for the provider who has had a license, certificate or approval revoked, or has surrendered or defaulted on an approval license, certificate or approval, for reasons related to disciplinary action, within the previous 10 years; **[and]**

(iv) Any criminal conviction of the applicant, or the owner, program director, or other staff of the applicant; *and*

(v) If any governing body members, key or required management staff of the applicant owe money to the Department;

(vi) A listing of all individuals who have five percent or more ownership stake in the organization. If a non-profit, a listing of the names and contact information of all Board members;

(vii) The names of any other behavioral health services organizations in which the applicant or associated owners have, or have had, an ownership interest in the ten years prior to application; and

(viii) Information concerning any license or certification held by the applicant under Health Occupations Article or Health-General Article, Annotated Code of Maryland including the prior

or current operation by the applicant of a healthcare facility or similar health care program;

(3) Include the following documents with the application:

(a) A copy of the agreement to cooperate between the program and the CSA, LAA, or LBHA, as appropriate;

(b) Copies of all applicable permits required by local jurisdictions *and the Department*, including fire, safety, [and] health, *and commercial kitchen*, for each proposed site whose primary function is the delivery of behavioral health services; [and]

(c) A copy of the provider organization's certificate of good standing from the Maryland Department of Assessments and Taxation, issued within the current tax year of the application;

(d) A policy statement and attestation prohibiting a conflict of interest between the interests of the provider and those of the individual receiving services;

(e) An organizational chart showing the supervisory structure which includes the names, roles and professional titles of all required management staff and required staff; and

f. All documentation supporting or demonstrating the information disclosed under §A(2)(c) of this regulation;

(4) Include any other information considered necessary and requested by the Department; [and]

(5) Submit the completed application to the Department's designated licensing unit, identifying:

(a) The services that the applicant would provide if licensed; [and]

(b) The physical sites where the services would be provided;

(c) Documented verification that the site is:

(i) Owned or leased:

(ii) Under the sole control of the applicant; and

(iii) Is allowed to provide behavioral health service;

- (6) The program's licensed physical site shall be located in the State of Maryland;*
- (7) The program is open to the public during its approved operating hours;*
- (8) The program shall have sufficient space on its program site to provide confidential and licensed services during operating hours regardless of the amount of services provided by telehealth;*
- (9) Medical Records and confidential information shall be stored in exclusively held and locked areas;*
- (10) If using shared space, a program shall maintain confidentiality and shall be subject to HIPAA requirements; and*
- (11) Information demonstrating financial and administrative ability to operate a program in compliance with this chapter, which shall include a business plan and 1-year operating budget.*

C. All sites require on-site inspections to ensure program safety and compliance.

D. The applicant shall maintain current contact information that includes the following:

- (1) Name of designated contact for formal notifications.*
- (2) An email address for the provider organization; and*
- (3) A mailing address to be used for formal actions.*

[B.]E. If the application submitted under §A of this regulation is incomplete or missing any of the documentation required by this regulation, the application shall be returned to the program to provide the missing information, and processing of the application shall stop until the information is provided.

10.63.06.03 (June 7, 2024)

.03 Additional Application Requirements for Licenses Requiring Accreditation.

A. In addition to the application requirements for all community-based behavioral health services licenses, the provisions of this regulation apply to all applicants for licenses to provide

community-based behavioral health services, if the license is required by this subtitle to be accreditation-based.

-B. [A program] *An organization* applying for an accreditation-based license to provide community-based behavioral health services shall submit with the [program's] *organization's* application *to BHA for each program:*

- (1) The program's most recent behavioral health accreditation survey report;
- (2) Any corrective action plans required by the behavioral health accreditation organization survey report of the [program] *organization; [and]*
- (3) The final letter or certificate issuing accreditation for the [program] organization; and [.]
- (4) The findings, reports, and program improvement plans arising from any accreditation survey or decision by any behavioral health accreditation organization during the previous 3 years.*

C. Before determining whether a program requiring an accreditation-based license to provide community-based behavioral health services is eligible for licensure, the Department's designated approval unit may conduct an on-site review in cases in which significant concerns have been raised regarding the operations of the program or the organization that accredited the program.

10.63.06.04 Additional Application Requirements for Licenses Not Requiring Accreditation

10.63.06.05 (June 7, ~~April 1, 2024~~)

.05 Issuance and Duration of Accreditation-Based and Non-Accreditation-Based Licenses.

A. If the Department's designated licensing unit determines that a program is eligible for a license to provide community-based behavioral health services, whether accreditation-based or non-accreditation-based, the Department's designated licensing unit shall issue a license to the [program] *organization* for the program that specifies the:

- (1) Programs that the applicant is licensed to provide, including the addresses of all sites where

the services will be provided;

(2) Duration of the licensure period:

(3) Name of the accreditation organization, if applicable; and

(4) Date of issue.

B. The duration of the license:

(1) For an accreditation-based license, shall [equal] *not exceed* the accreditation period plus 3 months; [and,]

(2) For a non-accreditation-based license, may not exceed 3 years[.];

(3) For accreditation and non-accreditation-based licenses, an extension may be issued for good cause at the sole discretion of the Department;

(4) In the event of the loss of accreditation and the conclusion of all appeals to the Accreditation Organization, licensure will be automatically revoked. The affected program shall immediately arrange for appropriate discharge or referral of each participant and follow the procedures for discontinuation of services outlined in 10.63.06.10.- Extension of licensure to allow for appropriate discharge is permissible at the Department's discretion.

C. The Department's designated approval unit shall notify the following when a license has been issued for a program:

(1) The Administration;

(2) The CSA, LAA, or LBHA, as appropriate, of the jurisdiction in which the program is providing or will provide services;

(3) The Medical Assistance Program; and

(4) The ASO for MDH.

D. The program director shall ensure that the license:

- (1) For non-residential programs, is posted in clear view during the regular hours of operation; or
- (2) For residential programs, is available for review during regular hours of operation.

E. In order to be approved, an application for renewal of a license and supporting documentation shall be received by the Department or its designee at least 60 days before the expiration of the program's current license.

F. If the program fails to submit the application and supporting documentation within the timeframe established in §E of this regulation, the program's license shall be suspended from the license expiration date until the issuance of a new license for the program.

G. If the Department's designated approval unit suspends the program's license in accordance with §F of this regulation, the program director shall immediately take the actions described in Regulation .11D of this chapter.

10.63.06.06 (June 7, 2024)

.06 Denial or Revocation of License to Provide Community-Based Behavioral Health Services.

A. The Department may deny or revoke a license to provide community-based behavioral health services to:

- (1) An applicant, if the Department's designated approval unit determines that the application does not meet the licensure requirements;
- (2) An applicant that has had a license or approval revoked by the Department or other licensing agency, or has surrendered or defaulted on its license or other approval for reasons related to disciplinary action, within the previous 10 years;
- (3) An applicant that has an officer who has served as an officer for a provider that has had a license revoked, or has surrendered or defaulted on its license or other approval for reasons related to disciplinary action, within the previous 10 years; **[or]**
- [(4) Any program that discontinues operations without complying with Regulation .10 of this**

chapter.]

(4) An applicant that has failed to disclose any information under COMAR 10.63.06.02.

(5) An applicant that has intentionally falsified information provided in connection with the application, which may result in exclusion of the applicant, the organization, its key staff and required management staff from further applications for a period of up to two years.

(6) Any applicant or organization whose owner, operator, key staff or required management staff is associated with a program that has discontinued operations without complying with Regulation .10 or .11 of this chapter in the past ten years.

(7) Any applicant or organization which has been denied, or has lost, accreditation for any of its programs.

(8) Any applicant or organization with a lien against the organization from state or federal government, or who owes money to the Maryland Department of Health which is not in dispute or repayment.

(9) An applicant that has operated a program which has had sanctions imposed or deficiencies cited within the last 2 years and has not corrected the deficiencies which present a risk to the health or safety of participants, is only eligible for a temporary license until those deficiencies are corrected and approved by the Department.

(10) An applicant for a license whose prior record, in the opinion of the Department demonstrates:

(a) A history of violation of COMAR 10.63 regulations;

(b) Convictions as described in:

(i) 42 U.S.C. § 1320A-7(A); or

(ii) Criminal Law Article, § 14-101, Annotated Code of Maryland; or

(c) Behavior which demonstrates a significant pattern of non-compliance with statutes and regulations and suggests inability to follow these regulations.

(11) In making a determination about a license application, the Department shall consider the following factors:

(a) The age at which the crime was committed;

(b) The circumstances surrounding the crime;

(c) The length of time that has passed since the crime;

(d) Subsequent work history;

(e) Employment and character references; and

(f) Other evidence that demonstrates whether the applicant poses a threat to the health or safety of residents.

B. If the Department's designated [approval] *licensing* unit denies licensure to an [applicant] *applying organization* under this chapter, the Department's designated [approval] *licensing* unit shall give written notice of the proposed denial to the [program]*organization*.

C. The notice of the proposed denial of an application for a license shall include:

(1) The facts that warrant the proposed denial of licensure; and

(2) Notice that the program has a right to a hearing in accordance with Regulation .19 of this chapter.

**10.63.06.07 (June 7, 2024)
.07 License Modification.**

A. [A program] *An organization* may not change its program sites by adding, or moving locations without prior approval from the Department's designated [approval] *licensing* unit.

B. To request a change in its program sites by adding, closing, or moving locations, a licensed [program] *organization* shall submit to the Department's designated [approval]*licensing* unit:

- (1) An application modification on the form required by the Department;
- (2) Evidence that the program has notified the appropriate accreditation organization of the proposed program modification, if the program has an accreditation-based license;
- (3) Evidence that the [program] *organization* has notified the appropriate CSA, LAA, or LBHA of the proposed program modification;
- (4) Evidence that the program has notified the program participants of any proposed change in program site; and
- (5) Copies of all applicable permits required by local jurisdictions, including fire, safety, and health, for each proposed site, if the program will provide services at a site whose primary function is the delivery of behavioral health services.

C. To request a change in its service array, a licensed program shall submit to the Department's designated approval unit:

- (1) If applicable, evidence that the program has received accreditation for the proposed additional program type; and
- (2) Evidence that the program has notified the appropriate CSA, LAA, or LBHA of the proposed program modification.

D. Before being approved for any modification described in this regulation, the following programs shall pass an inspection of the sites by the Department or its designee:

- (1) Programs with a non-accreditation-based license; and
- (2) Residential sites described in COMAR 10.63.04.

E. If the Department's designated [approval] *licensing* unit approves the application modification submitted under §B or C of this regulation, the existing program license shall extend to the additional program and additional site, as applicable.

F. If a program changes sites without prior approval from the designated licensing unit, the

Department may suspend the license at both the new and old sites.

10.63.06.08 (June 7, 2024)

.08 Waivers and Variances.

A. Waivers. The Administration may not grant waivers of:

- (1) The requirements of any regulation adopted under this subtitle; or
- (2) Any accreditation standard.

B. Variances.

(1) If a program is *to be* licensed under this chapter, the Administration may grant a variance for a regulation if the Administration:

- (a) Receives a written request from a program on the form required by the Administration; and
- (b) Finds that the intent of the regulation to which a variance is sought is met by the alternative proposed by the program.

(2) Any variance granted by the Administration shall:

- (a) Remain in effect for as long as the program continues to comply with the conditions under which the variance is granted; or
- (b) Be time-limited.

(3) The Administration may not grant a variance:

- (a) That would endanger the health or safety of the individuals served; or
- (b) For any accreditation standard.

(4) The Administration shall:

(a) Issue a written decision on the request for a variance, *within two months of receipt of a complete variance application*, including the reason or reasons for granting or not granting the variance;

(b) Send the decision to the:

- (i) Program director;
 - (ii) CSA, LAA, or LBHA, as appropriate; and
 - (iii) Department's designated approval unit; and
- (c) Enter the decision in the records of the Administration.

10.63.06.10 (June 7, 2024)

.10 Planned Discontinuation of Program Operations.

A. If [a program] *an organization* licensed to provide community-based behavioral health services intends to discontinue [operations,] *operating any program or licensed service at any licensed program site*, the program director shall, no less than 60 calendar days before the program intends to discontinue operations, submit to the Department's licensure unit, the Administration, and the CSA, LAA, or LBHA, as appropriate, its written plan for:

- (1) Cessation of operations, including relevant dates;
- (2) Informing participants in the program or their guardians of the planned discontinuation and of other behavioral health service options;
- (3) Transitioning participants in the program to other behavioral health services;
- (4) Storing and protecting all records; and
- (5) Notifying employees, contractors, consultants, and consumers of its cessation of operations.

B. Within 30 days after receipt of the [program's] *organization's* request to discontinue *a program's* operations, the Department's designated [approval] *licensing* unit shall:

- (1) Notify the program in writing whether its plan is acceptable; and
- (2) If the plan is unacceptable, meet with the program and the CSA, LAA, or LBHA as appropriate, to make a plan that protects the health, safety, and welfare of the individuals served by the program and program staff.

C. The program [may] *shall* not discontinue operations until the Department's designated

[approval-] *licensing* unit authorizes the discontinuation.

D. Once the Department has approved the discontinuation plan, the program shall implement the plan.

E. At all times during the discontinuation process, the program shall cooperate with the Administration, the Department's designated approval unit, and the CSA, LAA, or LBHA, as appropriate.

F. If a program that is discontinuing operation does not comply with §§A—E of this regulation, the Department may deny any future application for a license that the program, or principals of the program, may submit.

G. If a program licensed to provide community-based behavioral health services intends to discontinue a service, the program director shall provide immediate notification to the:

- (1) CSA;
- (2) LAA;
- (3) LBHA; or
- (4) OHCQ.

10.63.06.11 NEW (June 7, 2024)

.11 Unplanned Discontinuation of Program Operations

A. An organization licensed to provide community-based behavioral health services which experiences an unexpected discontinuation of services at any program site, whether temporary or permanent, shall immediately inform the:

- (1) CSA;*
- (2) LAA;*
- (3) LBHA;*
- (4) BHA Licensing Unit; and*

(5) If applicable, the State Opioid Treatment Authority.

B. The program shall provide a proposed written emergency plan.

C. The written emergency plan shall include:

(1) Complete listing census of service recipients affected by the discontinuation of services;

(2) Types of services affected;

(3) Expected or estimated duration;

(4) How services will be provided;

(5) Location where temporary services will be provided, if applicable;

(6) Plan to transition service recipients to other behavioral health services, including a warm hand-off of all recipients whenever possible;

(7) Plan for storing and protecting all records, ensuring participant and auditor access upon request; and

(8) Plan for notification of employees, contractors, consultants, and consumers.

D. The Department or its designee may contact service recipients to discuss the discontinuation of services and ensure the continuity of care.

E. Within 7 days after receipt of the organization's notification of discontinuation of program operations, the designated licensing unit shall:

(1) Notify the organization in writing whether the plan is acceptable; and

(2) If the plan is unacceptable, meet with the organization and the LBHA as appropriate, to make a plan that protects the health, safety, and welfare of the individuals served and program staff.

F. The organization shall not discontinue program operations until the Department's designated licensing unit authorizes the discontinuation.

G. At all times during the discontinuation process, the organization shall cooperate with the

Administration, the Department's designated licensing unit, and the appropriate CSA, LAA, or LBHA.

H. If an organization that is discontinuing program operation fails to comply fully with §§A—E of this regulation, the Department may, for a period of 10 years, deny any future application for a license submitted by the organization, governing body members, or key staff of the organization.

[10.63.06.11]10.63.06.12 (June 7April 1, 2024)
[.11].12- Summary Suspension.

A. Upon finding that a program licensed under this chapter has violated a regulation and that the public health, safety, or welfare imperatively requires emergency action, the Department may order the immediate suspension of the license of the program and the immediate cessation of the program's operation.

B. Following the summary suspension of the license of the program, and under State Government Article, §10-226(c)(2), Annotated Code of Maryland, the Department shall deliver a written notice to the program that includes:

- (1) The facts supporting the finding that the public health, safety, or welfare imperatively require the emergency action; and
- (2) Notice that the program may request a hearing under Regulation .19 of this chapter.

C. If the program requests a hearing on the summary suspension, the Department shall provide an administrative hearing after the suspension, in accordance with Regulation .20 of this chapter.

D. If the Department summarily suspends the license of a program, the program shall immediately:

- (1) Stop providing services to individuals; and
- (2) Develop and implement a written plan, approved by the Department, to:

- (a) Notify individuals receiving services from the program, or the guardians of these individuals, of the suspension;
- (b) Transition individuals receiving services from the program to an alternative program or make other arrangements to ensure continuity of services for the individuals;
- (c) Store and protect all service and medical records, and transition the records to alternative program or to the individual; and
- (d) Notify employees, contractors, consultants, and consumers of its cessation of operations.

[10.63.06.12]10.63.06.13 (June 7 April 1, 2024)
[.12].13 Notice of Deficiencies.

A. If the Department determines that a program licensed under this chapter has violated any provision of this chapter, *including any violation of local, state, or federal law*, but does not summarily suspend the program, the Department's designated [approval] *licensing* unit shall provide the [program] *organization* with a notice of *program* deficiencies and any intermediate sanctions.

B. In the notice of deficiencies, the Department's designated [approval] *licensing* unit shall list each failure to comply with a requirement, including identifying the requirement and the basis for the finding.

C. Plan of Correction.

(1) The [program] *organization* shall submit a plan of correction to the Department's designated [approval] *licensing* unit within 10 working days of receipt of the notice of deficiencies, stating [how]:

- (a) How and when each failure to comply shall be corrected;*
- (b) How a recurrence will be prevented; and*
- (c) An outline showing responsibility and timelines for correction.*

(2) The Department's designated [approval] *licensing unit* may require that the POC be submitted sooner than 10 working days when the nature of the noncompliance warrants a more immediate response, as determined by the Department's designated [approval] *licensing unit*.

(3) The director of the Department's designated [approval] *licensing unit* may grant an extension of not more than 30 days for the submission of the POC.

D. If the Department issues a notice of deficiencies to a program under this regulation, the program shall notify individuals receiving services from the program, or the guardians of these individuals, that the program has received a notice of deficiencies.

[10.63.06.13] 10.63.06.14 (June 7~~April 1~~, 2024)

[.13] .14 License Revocation.

A. If the Department's designated [approval] *licensing unit* determines that a program licensed under this chapter has violated a requirement of this chapter, the Department may revoke the license.

B. If the Department's designated [approval] *licensing unit* determines that the program has violated a requirement of a sanction imposed under Regulation .15 of this chapter, the Department may revoke the license.

C. If the Department revokes a program's license under this regulation, the program shall notify individuals receiving services from the program, or the guardians of these individuals, of the revocation.

[10.63.06.14] 10.63.06.15 (June 7~~April 1~~, 2024)

[.14] .15 Intermediate Sanctions.

A. If the Department determines that a program licensed under this chapter has violated a requirement of this subtitle, the Department's designated [approval] *licensing unit* may take one or more of the following actions:

- (1) Prohibit the program from serving any additional individuals;
- (2) Require the program to reduce the number of individuals currently receiving services;
- (3) Prohibit the program from providing specific services or restricting the program to providing only specified services;
- (4) Require the program, and any of its staff, to receive mandatory training in identified areas;
- (5) Require the program to use the services of a consultant approved in advance by the Department;
- (6) Require the establishment of an escrow account *that shall be directed to specific, identified purposes at the direction of the Department*;
- (7) Impose a civil money penalty, in accordance with [this chapter] *COMAR 10.63.09*.

B. If the Department imposes a sanction under this regulation, the program shall notify individuals receiving services from the program, or the guardians of these individuals, of the sanction.

**[10.63.06.15] 10.63.06.16 (June 7~~April 1~~, 2024)
[15] .16 Directed Plan of Correction.**

A. If the Department determines that a program licensed under this chapter has violated any requirement of this chapter, the Department's designated [approval] *licensing* unit may impose a directed plan of correction, in addition to any intermediate sanctions imposed in accordance with this chapter.

B. The directed plan of correction may include any one or more of the following:

- (1) Mandating staffing patterns, specifying the number of personnel, personnel qualifications, or both;
- (2) Imposing a temporary site monitor, whereby the Department maintains an on-going physical presence for the purpose of providing assistance and evaluating the extent of the program's

progress in correcting violations;

(3) Requiring the program to submit periodic reports of the program's progress in correcting violations.

C. If the Department issues a directed plan of correction to a program under this regulation, the program shall notify individuals receiving services from the program, or the guardians of these individuals, that the program has received a directed plan of correction.

[10.63.06.16] 10.63.06.17 (June 7, 2024 April 1, 2024)
[.16] .17 Settlement Agreement.

A. The Department may enter into a settlement agreement with a program licensed under this chapter that has violated a requirement of this chapter, establishing specific conditions for continued operation, including time limits for compliance.

B. A settlement agreement is a public document and may be disseminated under the State Government Article, §§10-611—10-630, Annotated Code of Maryland.

C. A copy of the settlement agreement shall be distributed to individuals served by the program or posted in a public location at the program's physical site.

[10.63.06.17] 10.63.06.18 (June 7, 2024 April 1, 2024)
[.17] .18 Initiation of Receivership.

The Secretary or designee may take action to initiate receivership of a program licensed under this chapter, pursuant to Health-General Article, §§19-333—19-339, Annotated Code of Maryland.

[10.63.06.18] 10.63.06.19 (June 7, 2024 April 1, 2024)
[.18] .19 Civil Money Penalties.

A. Notwithstanding any penalty that may be imposed under the Civil False Claims Act, pursuant to Health-General Article, §2-611, Annotated Code of Maryland or other statute, the Department may impose a civil monetary penalty on a person for:

- (1) Operating a community-based behavioral health services program without a license, if one is required by law or regulation;
- (2) Any material and egregious violation of any provision of this subtitle; or
- (3) Both.

B. In determining whether a civil monetary penalty is to be imposed, the Department shall consider the following, among any other relevant factors:

- (1) The nature, number, and seriousness of the deficiencies;
- (2) The extent to which the deficiency or deficiencies are part of an ongoing pattern;
- (3) The degree of risk to the health, life, or safety of the individuals receiving services from the program;
- (4) The efforts made by the program, and the ability of the program, to correct the deficiency or deficiencies; and
- (5) The program's prior history of compliance or non-compliance.

C. In determining the amount of any civil money penalty to be imposed, the Department shall consider the factors listed in §B of this regulation, among any other relevant factors.

[10.63.06.19] 10.63.06.20 (April 1, 2024 June 7, 2024)
[.19] .20 Program's Right to a Hearing on Proposed Sanctions.

A. An organization licensed under this chapter that is aggrieved by the proposal of the Department's designated [approval] *licensing* unit to take any of the following actions relating to one of its programs may appeal the Department's decision by filing a request for an administrative hearing in accordance with Regulation [.20].21 of this chapter:

- (1) The denial of an application for a license or for renewal of a license;
- (2) The summary suspension of a license, under Regulation [.11] .12 of this chapter;
- (3) The denial of a request for modification of a license, under Regulation .07 of this chapter;

- (4) The denial of a request to discontinue a program, under Regulation .10 of this chapter;
- (5) A revocation of a license for any reason other than loss of accreditation, under Regulation [13] .14 of this chapter;
- (6) The imposition of a sanction under Regulation [.14, .16, or .18] .15, .16, or .19 of this chapter.

B. If the program submits a request for a hearing on a proposed summary suspension, the hearing shall take place in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

~~[10.63.06.20]~~ ~~10.63.06.21~~ ~~-(June 7 April 1, 2024)~~
[20] .21 Hearing Procedures.

A. If the Department's designated [approval] *licensing* unit proposes to take an action listed in Regulation [.19] .20 of this chapter, the Department shall deliver a written notice of the proposed action to the program director, in accordance with the provisions of COMAR 10.01.03.05.

B. Within 10 working days after receipt of the notice of the proposed action, the [program may] *organization shall* submit to the Department, at the address identified in the notice, a written request for a hearing, with copies to the:

- (1) Administration;
- (2) CSA, LAA, or LBHA, as appropriate; and
- (3) Director of the Department's designated [approval] *licensing* unit.

C. If the [program] *organization* does not submit to the Department a hearing request that is postmarked within 10 working days after the date on the notice:

- (1) The program's right to a hearing is waived; and
- (2) The Department's designated [approval] *licensing* unit may implement the proposed action.

D. The Department may offer the program the opportunity, when possible, for an informal case resolution conference, in which to attempt to resolve all or some of the deficiencies listed in the notice.

E. The hearing shall comply with the provisions of COMAR 10.01.03.06.

**[10.63.06.21] 10.63.06.21 (June 7~~April 1~~, 2024)
Repeal 10.63.06.21 Deadlines and Effective Dates of this Chapter.**

[.21 Deadlines and Effective Dates of this Chapter.

A. Accreditation-based Licenses. The following shall apply for programs that are required by law and this chapter to be accredited to be licensed:

(1) A program may not operate on or after April 1, 2018 without a license;

(2) To be licensed on or before April 1, 2018, a program shall submit a completed and accurate application to the Department's designated approval unit before January 1, 2018;

(3) An accreditation-based license may be issued on or after, and not before, January 1, 2017;

(4) The Department's designated approval unit shall begin accepting applications for accreditation-based licenses on October 1, 2016;

(5) As of October 1, 2016, applications for an accreditation-based license shall include evidence that the program is accredited by an approved accreditation organization;

(6) The Department's designated approval unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47 after September 30, 2016;

(7) A program with a certification or approval under COMAR Title 10, Subtitles 21 or 47:

(a) May apply for renewal of the certification or approval before January 1, 2018;

(b) If eligible for renewal, shall receive a certification or approval, valid until April 1, 2018;
and

(c) May not operate under the certification or approval after March 31, 2018.

(8) A program that is certified or approved based on deemed status in accordance with COMAR 10.21.16.10 or COMAR 10.47.04.05 shall receive a license, which shall be effective during the current accreditation period; and

(9) If the Department's designated approval unit cannot issue a license by April 1, 2018 for a program that submits a completed, accurate application for a license before January 1, 2018, the Department's designated approval unit shall extend the expiration date of the existing approval or certification to complete the license application process.

B. Non-Accreditation-Based Licenses. The following shall apply for programs that are not required by law and this chapter to be accredited to be licensed:

(1) A program may not operate on or after April 1, 2018 without a license;

(2) A program that is certified or approved under COMAR Title 10, Subtitles 21 or 47, may operate under those subtitles until the expiration of the term of its current certification or approval, but not after March 31, 2018;

(3) The Department's designated approval unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47, after September 30, 2016;

(4) A program with a current certification or approval under COMAR Title 10, Subtitles 21 or 47:

(a) May apply for renewal of the certification or approval under COMAR Title 10, Subtitles 21 or 47, before January 1, 2018; and

(b) May not operate after March 31, 2018 without a license.

(5) To be licensed on or before April 1, 2018, a program shall submit a completed and accurate application to the Department's designated approval unit before January 1, 2018;

(6) A license may be issued on or after, and not before, January 1, 2017; and

(7) If the Department's designated approval unit cannot issue a license by April 1, 2018 for a program that submits a completed accurate application for licensure before January 1, 2018, the Department's designated approval unit shall extend that expiration date of the existing approval or certification to complete the license application process.

C. Applicability Dates of Regulations. Current chapters of regulations under COMAR 10.21 and 10.47 shall remain in effect concurrently with the regulations in this chapter until April 1, 2018.]

10.63.06.22 Deadlines and Effective Dates of this Chapter (New)

A. Accreditation-based Licenses. The following shall apply for programs that are required by law and this chapter to be accredited to be licensed:

(1) A program shall not operate on or after April 1, 2018 without a license;

(2) As of October 1, 2016, applications for an accreditation-based license shall include evidence that the program is accredited by an approved accreditation organization;

(3) The Department's designated licensing unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47 after September 30, 2016;

(4) If the Department's designated licensing unit cannot issue a license by April 1, 2018 for a program that submits a completed, accurate application for a license, the Department's designated licensing unit shall extend the expiration date of the existing approval or certification to complete the license application process.

B. Non-Accreditation-Based Licenses. The following shall apply for programs that are not required by law and this chapter to be accredited to be licensed:

(1) A program shall not operate on or after April 1, 2018 without a license;

(2) A program that is certified or approved under COMAR Title 10, Subtitles 21 or 47, may

operate under those subtitles until the expiration of the term of its current certification or approval;

(3) The Department's designated licensing unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47, after September 30, 2016;

(4) A program with a current certification or approval under COMAR Title 10, Subtitles 21 or 47:

(a) May apply for renewal of the certification or approval under COMAR Title 10, Subtitles 21 or 47, before January 1, 2018; and

(b) Shall not operate after March 31, 2018 without a license.

(5) If the Department's designated licensing unit cannot issue a license by April 1, 2018 for a program that submits a completed accurate application for licensure before January 1, 2018, the Department's designated licensing unit shall extend that expiration date of the existing approval or certification to complete the license application process.

C. Applicability Dates of Regulations. Current chapters of regulations under COMAR 10.21 and 10.47 shall remain in effect concurrently with the regulations in this chapter until revoked.