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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

**10.63.02 Programs Required to be Accredited in Order to be Licensed to Provide
Community-Based Behavioral Health Services**

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of
Maryland

10.63.02.01(June 6, 2024)

.01 Scope.

This chapter identifies those programs that are required to be accredited in order to receive a license to provide community-based behavioral health services.

10.63.02.02 (June 6, 2024)

.02 Covered Programs and Services.

A. The following programs shall require an accreditation-based license under this chapter:

- (1) Group Homes for Adults with Mental Illness programs;
- (2) Integrated Behavioral Health programs;
- (3) Intensive Outpatient Treatment Level 2.1 programs;
- (4) Mobile Treatment Services (MTS) programs;
- (5) Outpatient Mental Health Center (OMHC) programs;
- (6) Outpatient Treatment Level 1 programs;

- (7) Partial Hospitalization Treatment Level 2.5 programs;
- (8) Psychiatric Day Treatment Program (PDTP) programs;
- (9) Psychiatric Rehabilitation Program for Adults (PRP-A) programs;
- (10) Psychiatric Rehabilitation Program for Minors (PRP-M) programs;
- (11) Residential Crisis Services (RCS) programs;
- (12) Residential: Low Intensity Level 3.1 programs;
- (13) Residential: Medium Intensity Level 3.3 programs;
- (14) Residential: High Intensity Level 3.5 programs;
- (15) Residential: Intensive Level 3.7 programs;
- (16) Residential Rehabilitation Program (RRP) programs;
- (17) Respite Care Services (RPCS) programs;
- (18) Supported Employment Program (SEP) programs;
- (19) Mobile Crisis Team programs; and
- (20) Behavioral Health Crisis Stabilization Center (BHCSC) programs.

B. Of the licensed community-based behavioral health services programs listed in §A of this regulation, the following may provide the services identified in §C of this regulation, so long as the program's license specifically authorizes the service:

- (1) Integrated Behavioral Health programs;
- (2) Intensive Outpatient Treatment Level 2.1 programs;
- (3) Outpatient Treatment Level 1 programs;
- (4) Partial Hospitalization Treatment Level 2.5 programs;
- (5) Residential: Low Intensity Level 3.1 programs;
- (6) Residential: Medium intensity Level 3.3 programs;

(7) Residential: High intensity Level 3.5 programs; and

(8) Residential: Intensive Level 3.7 programs.

C. Programs listed in §B of this regulation and licensed to provide community-based behavioral health services may provide the following services so long as the program's license specifically authorizes the service:

(1) Withdrawal Management Service; and

(2) Opioid Treatment Service.

10.63.02.03 (June 6, 2024)

.03 Requirements for a Program with an Accreditation-Based License.

A. In addition to complying with the requirements for licensed community-based behavioral health programs specified in COMAR 10.63.01.05, a program with an accreditation-based license to provide community-based behavioral health services in Maryland shall comply with this regulation.

B. A program with an accreditation-based license shall **[comply]**:

(1) Comply with the requirements and meet the standards of the accreditation organization by which it is accredited[.];

(2) Serve the populations for which it is accredited;

(3) Have a physical site located in the State of Maryland;

(4) Be open during its normal operating hours;

(5) Have sufficient space on its program site to meet the medical records and confidentiality requirements under COMAR 10.63.01.05K;

(6) Immediately notify the administration of any change in accreditation organization or status;

(7) Not provide housing that offers below-market-rate housing to participants in the Public Behavioral Health System that is contingent on a participant's enrollment in a service for which the program is reimbursed by a State health plan or funding source;

(8) Document face-to-face and telehealth supervision.

C. The Department or its designee may enforce any requirement or standard of the accreditation organization by which a program is accredited.

D. In addition to the post-licensing inspections provided for in COMAR 10.63.01.05B, a program with an accreditation-based license shall be subject to inspection by the Department or its designees in cases in which significant concerns have been raised regarding operation of the program or the organization that accredited the program, in order to:

- (1) Determine compliance with a requirement under its accreditation;
- (2) Follow-up on any problem identified by the accreditation organization that accredited the program; or
- (3) Validate the findings of the accreditation organization that accredited the program.

10.63.02.04 (June 18, 2024)

.04 Halfway House and Group Home Sites.

A licensed halfway house and group home shall ensure that its sites comply with Health-General Article, §§8-406 and 10-518, Annotated Code of Maryland, as follows:

A. A small halfway house or private group home is considered conclusively a single-family dwelling for purposes of zoning, and may be located in all residential zones;

B. A large halfway house or private group home is considered conclusively a multi-family dwelling for purposes of zoning and may be located in zones of similar density; and

C. A halfway house or a private group home may not be made subject to any special exception, conditional use permit, or procedure that differs from that required for a single-family dwelling or a multi-family dwelling of similar density in the same zone.