

**Title 10 MARYLAND DEPARTMENT OF HEALTH**  
**Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES**  
**Chapter 04 Additional Requirements for Accreditation-Based Licenses for Specific Residential Community-Based Behavioral Health Services**

**Symbol Key**

- Roman type indicates existing text regulations
- Italic type indicates proposed new text
- [Single bracket] indicates text proposed for deletion

*10.63.04.02*

**.02 Covered Programs.**

This chapter applies to the following programs:

- A. Group Homes for Adults with Mental Illness;
- B. *Mental Health* Residential Crisis Services (RCS) program; [and]
- C. Residential Rehabilitation Program (RRP);
- D. *Residential Treatment Programs operating at Level 3.1, 3.3, and 3.5.*

*10.63.04.05*

**.05 Residential Rehabilitation Program (RRP).**

In order to be licensed under this subtitle, a residential rehabilitation program (RRP) shall:

A.—J. (text unchanged)

K. Have a written policy regarding the development of and process for implementation of a managed intervention plan (MIP) for an individual receiving residential services who may be at risk of an unplanned discharge *on the form approved by the Administration*, which:

(1) Is developed in collaboration with the individual, treatment team members, and [CSA or LBHA, as appropriate] *jurisdiction LDA*; and

(2) (text unchanged)

L. If an MIP is executed, develop a transition plan that:

(1) Is created in collaboration with the individual, treatment team members, [CSA or LBHA, as appropriate] *jurisdiction LDA*, and ASO; and

(2) (text unchanged)

M. *Providers must render a disposition within 5 days of receipt of the completed referral;*

*N. Denial of admissions must be based on reasons approved by the Administration and recorded in the form approved by the Administration within 5 days of the receipt of the completed referral from the LDA;*

*O. Any denial of RRP admission shall be based solely on an individualized, person-centered assessment of applicant characteristics, risk factors, compatibility, and ability to benefit from psychiatric rehabilitation services and not a categorical denial of admission based on individual's history or clinical profile, including:*

- (1) Individual poses a direct threat to the health or safety of staff or other residents, as evidenced by current or recent incidents within the prior thirty days (30) of assaultive or aggressive behavior, seclusion and restraint, or other hospital incident, which threat cannot be eliminated, mitigated, or reasonably accommodated within the residence;*
- (2) Individual poses an unreasonable risk to community safety, as evidenced by a history of a Tier I sexual offense, which risk cannot be eliminated, mitigated, or reasonably accommodated within the residence;*
- (3) Individual has an unreasonable risk to the health and safety of staff, the community, the residence or its contents as evidenced by a history of fire setting, arson, or pyromania, which risk cannot be eliminated, mitigated, or reasonably accommodated within the residence;*
- (4) Individual has a serious medical or somatic condition which requires a higher or more intensive level of care and cannot be effectively managed or reasonable accommodated within the residence;*
- (5) Individual, due to organic or neurocognitive impairments, is unable to benefit from psychiatric rehabilitation services;*
- (6) Individual's constellation of clinical and behavioral traits is incompatible with the emotional or behavioral climate of the residence and creates an unhealthy or potentially harmful environment for other residents;*
- (7) Individual declines RRP placement or services; and*
- (8) Other reason specifically given in writing by the Administration;*

*P. Provider will complete Fee Determination and Entitlements Management Record (EMR) upon admission and review EMR on an annual basis using the forms approved by the Administration.*

10.63.04.06

#### **.06 Application Requirements for a Residence to be Operated by a Program.**

A program seeking a license for *Group Home for Adults, Residential Rehabilitation, Mental Health Residential Crisis Services, or Residential Treatment Services* under this subtitle [for a residential site] shall submit to the [CSA or LBHA] LDH a completed application that:

A.—B. (text unchanged)

**.07 Residential Site Requirements.**

A program licensed to provide community-based behavioral health residential services under this chapter shall ensure that:

A. All areas of a residence, including storage areas:

- (1) Are safe;
- (2) Clean; and
- (3) Free of hazards and clutter;

B. A residence has:

- (1) No housing code or zoning violations;
- (2) Working smoke alarms or smoke detectors that meet local fire codes for residential dwellings;
- (3) Hot and cold running water;
- (4) Adequate light, heat, and ventilation; and
- (5) Sufficient, appropriate, and functional furnishings, equipment, supplies, and utensils comparable to those found in the residences of nondisabled [individuals];
- (6) *Bathrooms;*
- (7) *Kitchen space/facility that is adequate for food preparation, with sufficient space to accommodate the number of residents in accordance with the size of the facility;*
- (8) *Private space for counseling staff to perform clinical services;*
- (9) *Secure location for file storage;*
- (10) *With the exception of Residential Rehabilitation Programs:*
  - a. *A dining area*
  - b. *A living room/common space*
  - c. *Space for leisure time activities*
  - d. *Private space for counseling staff to perform clinical services;*

C. Each resident:

- (1)—(7) (text unchanged)

D. (text unchanged)

E. Each bedroom has:

(1) A minimum of 70 square feet for a single bedroom and a minimum of 120 square feet for a double bedroom;

(2) *For dormitory style sleeping arrangements permissible only for therapeutic communities under Level 3.3 and Level 3.5 residential treatment:*

(a) *Provide adolescents and adults with separate sleeping quarters;*

(b) *Provide beds that do not block egress from a window;*

(c) *Provide each resident with at least 60 square feet of personal space;*

[(2)] (3) An interior door, except for an efficiency apartment; *or permitted dormitory-style arrangement;*

[(3)] (4)—[(4)] (5) (text unchanged)

[(5)] (6) A bed with a clean mattress, *in good condition, with a protective cover , and the same size as the bed frame* and pillow for each resident using the bedroom; *beds should be at least 36 inches apart; be full or twin in size; roll-away beds or use of recliners as beds are prohibited;*

[(6)] (7) At least two sets of bed linens per resident; [and]

[(7)] (8) Not more than [two] *six* residents using the bedroom; *except for dormitory-style arrangements using a therapeutic community model in Level 3.3 and Level 3.5 housing;*

(9) *Have at least two dresser drawers and an enclosed space for hanging clothes;*

(10) *A method for safely storing a resident's valuables; and*

F. (text unchanged)

G. The program has a written relocation plan for each site that:

(1) Specifies where residents may live temporarily if the [CSA or LBHA] LDA determines that conditions in the approved [residence] *residential site* pose an imminent risk to the health, safety, or welfare of a resident;

(2) Is approved by the [CSA or LBHA] LDA, as appropriate; and

(3) Is updated annually[.];

H. *Dietary Services. If meals are provided, a program shall:*

(1) *Comply with applicable local, State, and federal laws;*

(2) *Have a written plan describing the organization and delivery of dietary services; and*

(3) *Require a dietitian licensed under the Health Occupations Article, §5-101, Annotated Code of Maryland, to develop and implement the dietary service plan.*