COMAR 10.21.XX Community-Based Behavioral Health Programs — Definitions

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Ability to pay" means the individual's ability to pay for mental health services, as determined according to the provisions of COMAR 10.04.02.

(2) "Accreditation" means the process by which the Rehabilitation Accreditation Commission (CARF), The Joint Commission (TJC), or other DHMH-approved national accrediting organization evaluates and authorizes a program seeking licensure under this chapter.

(3) “Administration” means the Behavioral Health Administration within the Department of Health and Mental Hygiene.

(4) "Administrative services organization (ASO)" means the organization under contract with the Department to provide administrative services for the behavioral health system.

(5) "Admission" means the documented acceptance of an applicant into a program.

(6) "Adolescent" means an individual who is older than 12 years old and younger than 18 years old.

(7) "American Society of Addiction Medicine Patient Placement Criteria" means an instrument designed to indicate patient placement guidelines for admission, continued stay, and discharge.
(8) "Applicant" means an individual who is the subject of an application for enrollment in a program.

(9) “Approved accreditation organization” means an accreditation organization approved by the Secretary pursuant to Health-General Article, §19-2302, Annotated Code of Maryland.

(10) "Assessment" means the process of ascertaining the treatment needs of the patient regarding addiction and other social issues.

(11) "Board" means the executive authority and policy-making group which operates a psychiatric day treatment center for mentally ill persons.

(12) "Case resolution conference (CRC)" means an informal proceeding before an evidentiary hearing to determine if there are grounds for settlement of a contested case.

(13) "Community-based" means an organization that is not located in a hospital, as defined under Health-General Article §19-301, Annotated Code of Maryland.

(14) “Complete application” means all:

(1) Questions on the application form are answered; and

(2) Necessary documents are included.

(15) "Consultant" means an individual who is not a salaried staff member of the facility.

(16) "Consumer" means a person who has received or is receiving services in any program, public or private, providing mental health services or is the relative of a person receiving or having received these services.
(17) "Core service agency (CSA)" means the county or multi-county authority, designated under Health-General Article, Title 10, Subtitle 12, Annotated Code of Maryland, and approved by the Department, that is responsible for planning, managing, and monitoring publicly funded mental health services.

(18) "Certification" means the approval issued to a program by the Administration to provide services under this subtitle.

(19) "Clinical staff" means the individuals employed by or associated with a program who provide treatment, care, or rehabilitation to program patients or patients' families.

(20) Correctional Facility.

(a) "Correctional facility" means an institution overseen by the State or one of the 24 subdivisions where individuals are incarcerated.

(b) "Correctional facility" includes a jail, detention center, prison, or correctional halfway house.

(21) "Deemed status" means the Secretary's granting of approval under this subtitle to a program, based on the program's accreditation under the relevant behavioral healthcare standards of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or Rehabilitation Accreditation Commission (CARF).

(22) "Deficiency" means a failure to meet a regulation.

(23) "Department (DHMH)" means the Department of Health and Mental Hygiene.
(24) "Designated Licensure Unit" means the office within the Department that oversees the licensing and inspection of programs for the Administration.

(25) "Discharge" means authorization by a physician for a voluntarily or involuntarily admitted individual to leave an inpatient facility.

(26) "Documentation" means written or recorded information that is dated.

(27) "Drug" means:
   (a) A controlled dangerous substance that is regulated under the Maryland Controlled Dangerous Substances Act;
   (b) A prescription medication; or
   (c) A chemical substance when used for unintended and harmful purposes.

(28) "Emergency department" means an organized hospital-based facility that provides unscheduled episodic services, 24 hours per day, 7 days per week, for individuals who present for immediate medical attention.

(29) "Enhanced support" means short-term, in-home services, in addition to other services to an individual, by a program that is approved by the Administration to provide this service, to support the individual to remain in the community.

(30) "Facility" POSSIBLE DEFINITIONS

"Facility" means any public or private hospital, clinic, or other institution that provides or purports to provide treatment or other services for a mental disorder, except an acute care general hospital that does not have a separately identified inpatient psychiatric service.

"Facility" means an entity defined in Health-General Article. § 10-102(e,)
Annotated Code of Maryland.

"Facility" has the meaning indicated in Health-General Article, §10-102(e), Annotated Code of Maryland, and may also be referred to as a site.

(31) "Fee" means the dollar amount, established by the Secretary, that a provider may charge an individual who receives services under this chapter for a unit of service, before the application of an ability-to-pay determination.

(32) "Family" means an individual's immediate relatives or significant others.

(33) “Group home.”

(a) “Group home” means a residential program as defined in Health-General §10-514, Annotated Code of Maryland.

(b) “Group home” does not include a foster home that is the domicile of the foster parent.

(c) “Group home” does not include a facility that is:

(i) Owned or leased to the State or any public agency;

(ii) Regulated by the Department of Juvenile Services or the Developmental Disabilities Administration; or

(iii) Organized wholly or partially to make a profit.

(34) "Guardian" means a guardian as defined in Estates and Trusts Article, §13-101, Annotated Code of Maryland.

(35) "Integrated work" means work that provides an individual an opportunity to interact with nondisabled individuals.

(36) "Intermediate care facility" means a facility that provides a planned regimen of
24-hour professionally directed evaluation, observation, medical monitoring, and addiction treatment in an inpatient setting.

(37) "Jurisdiction" means Baltimore City or one of the 23 counties in Maryland.

(38) "Maintenance" means medically supervised continuation of the administration of methadone, LAAM, or other drugs approved by the Administration.

(39) "Managed intervention plan (MIP)":
   (a) Means the plan that is developed, when appropriate, that details the strategies to be implemented in times of crisis to provide for a revised plan of services and supports to maintain the individual in a residential rehabilitation program residence, to prevent the unplanned discontinuation of services, or to prevent an inpatient admission; and
   (b) May be incorporated into the individual rehabilitation plan (IRP) or individual treatment and rehabilitation plan (ITRP).

(40) "Medical Assistance Program" means the Medical Assistance Program as defined in COMAR 10.09.36.01.

(41) "Medical director" means a physician who oversees the medical practice of a program.

(42) "Medical record" means a record as defined in Health-General Article, §4-301, Annotated Code of Maryland.

(43) "Mental health professional" means an individual who is licensed, certified, or otherwise legally authorized to provide the mental health service:
   (a) Under Health Occupations Article, Annotated Code of Maryland; or
(b) In the state where the service is rendered.

(44) "Mental illness" means an illness resulting from a psychiatric disorder and does not include a primary diagnosis of alcohol or drug abuse or developmental disability.

(45) "Methadone" means a synthetic opioid.

(46) "Minor" means an individual who is younger than 18 years old.

(47) "Nurse" means an individual who is licensed and legally authorized to practice as a nurse:

   (a) Under Health Occupations Article, Annotated Code of Maryland; or

   (b) In the state where the service is rendered.

(48) "On-call" means the availability of designated program staff 24 hours per day, 7 days per week.

(49) "Patient" means any individual receiving care and treatment in a facility.

(50) "Physician" means an individual who is licensed and legally authorized to practice medicine:

   (a) Under Health Occupations Article, Annotated Code of Maryland; or

   (b) In the state where the service is rendered.

(51) "Plan of correction" means the program's proposed response to findings of noncompliance identified by the Department’s designated licensing unit or the Administration.

(52) "Program" means a licensed community-based organization that provides behavioral health services.
(53) "Program director" means the person who has over-all responsibility for the day-to-day activities of the program, including staff, records, policies, and procedures.

(54) "Psychiatrist" means a physician who:

(a) Is certified in psychiatry by the American Board of Psychiatry and Neurology; or

(b) Has completed the minimum educational and training requirements to be qualified to take the Board of Psychiatry and Neurology examination for certification in psychiatry.

(55) "Referral" means a contact made with a program by an individual, or on behalf of an individual, for mental health services.

(56) "Registered nurse" means an individual who is licensed to practice registered nursing under Health Occupations Article, Title 8, Annotated Code of Maryland.

(57) "Residence" means a housing unit leased or owned by an approved residential rehabilitation program (RRP).

(58) “Resident” means an individual who resides in a community-based residential behavioral health program.

(59) "Residential specialist" means the individual designated by the Department or the CSA to inspect, monitor, and determine the approval status of a residence.
(60) "Residential treatment" means a program of active behavioral health treatment that is provided on a residential basis, under the direction of a psychiatrist, and in conformity with an individualized treatment plan.

(61) "Respite care" means services that are:

(a) Provided for an adult with serious and persistent mental illness or a child with serious emotional disturbance;

(b) Provided on a short-term basis in a community-based setting; and

(c) Designed to support an individual's remaining in the individual's home by:

   (i) Providing the individual with enhanced support or a temporary alternative living situation, or

   (ii) Assisting the individual's home caregiver by temporarily freeing the caregiver from the responsibility of caring for the individual.

(62) "Sale" means the transfer of a majority interest of ownership.

(63) "Secretary" means the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee.

(64) "Substance use disorder" means alcohol abuse, alcohol dependence, alcohol misuse, drug abuse, drug dependence, drug misuse, or any combination of these.
(65) "Supported employment program" means a program designed to assist an individual to obtain competitive employment in an integrated work environment that provides:

(a) Compensation to individuals of at least minimum wage;
(b) An individualized approach that establishes an hours-per-week employment goal to maximize an individual's vocational potential;
(c) Additional supports, as needed, delivered where appropriate; and
(d) Transitional employment placements, as appropriate.

(66) "Therapeutic agent" means an intervention that is used to effect positive change.

(67) "Variance" means an alternate method of meeting the intent of a regulation under this subtitle.

(68) "Waiver" means the exemption from compliance with a regulation under this subtitle.

(69) "Working day" means any day except Saturday, Sunday, or a holiday on which State offices are closed.

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