**FINAL AND PROPOSAL**

**FINAL AAP**

**Maryland Register**

**Issue Date: May 8, 2020**

**Volume 47 • Issue 10 • Page 517**

**Title 10  
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.59 Specialty Mental Health Services**

Authority: Health-General Article, §§2-104(b), *15-102.8,* 15-103, and 15-105, Annotated Code of Maryland

**Notice of Final Action**

[19-258-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulation **.04** under **COMAR 10.09.59 Specialty Mental Health Services**. This action, which was proposed for adoption in 46:26 Md. R. 1179 (December 20, 2019), has been adopted as proposed.

**Effective Date: May 18, 2020.**

ROBERT R. NEALL  
Secretary of Health

**PROPOSAL**

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**Notice of Proposed Action**

[19-258-P]

The Secretary of Health proposes to amend Regulation **.04** under **COMAR 10.09.59 Specialty Mental Health Services**.

**Statement of Purpose**

The purpose of this action is to bring regulations into compliance with recent legislation. In order to comply with H.B .570 of 2019, the Department is removing the on-site requirement for outpatient mental health center (OMHC) medical directors. In accordance with S.B. 524 of 2019, the Department is providing that any health care service provided via telehealth by psychiatric nurse practitioners serving in an assertive community treatment (ACT) or mobile treatment program is equivalent to the same service when provided through an in-person consultation and extending the sunset date through which ACT or mobile treatment services may be delivered via telehealth to September 30, 2021.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 21, 2020. A public hearing has not been scheduled.

**.04 Provider Requirements for Participation.**

A. (text unchanged)

B. Community Mental Health Program Providers. To participate in the Program as a community-based mental health program provider, the provider shall be approved under COMAR 10.63.01, 10.63.02, and 10.63.06 and possess licensure by the Behavioral Health Administration as:

(1)—(2) (text unchanged)

(3) A mobile treatment program*, which*shall:

(a)—(c) (text unchanged)

(4) For dates of service between October 1, 2018 and September 30, **[**2020**]***2021*, a health care service provided through telehealth is equivalent to the same health care service provided through an in-person visit if the service provided through telemedicine is provided by a fully integrated psychiatrist *or psychiatric nurse practitioner (CRNP-PMH)* attached to an ACT or mobile treatment program.

(5) An outpatient mental health clinic in compliance with:

(a) (text unchanged)

(b) Staffing requirements as described in COMAR 10.63.03.05 and including:

(i) A program director who is a licensed mental health professional or has a master’s degree in a related field and is employed by the OMHC and is on-site at the **[**agency as a whole**]** *organization* for at least 20 hours per week;

(ii) A medical director as described in COMAR 10.63.03.05 and is **[**on-site at**]** *serving* the **[**agency as a whole**]** *organization* for at least 20 hours per week;

(iii) A multidisciplinary licensed mental health professional staff as described in COMAR 10.63.03.05, including representatives of two different mental health professions, **[**both**]** *each*of whom shall be on-site 50 percent of the OMHC’s regularly scheduled hours;

(iv) (text unchanged)

C.—D. (text unchanged)

ROBERT R. NEALL  
Secretary of Health