**PROPOSAL**

**Maryland Register**

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**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES**

**10.63.07 Outpatient Civil Commitment (OCC) Pilot Program**

Authority: Health-General Article, §7.5-205.1, Annotated Code of Maryland

**Notice of Proposed Action**

[19-018-P]

     The Secretary of Health proposes to amend Regulations **.02**, **.03**, **.05**, and **.06** under **COMAR 10.63.07 Outpatient Civil Commitment (OCC) Pilot Program**.

**Statement of Purpose**

The purpose of this action is to expand eligibility criteria for the Outpatient Civil Commitment Pilot Program and expand the types of behavioral health providers who can sign an application for admission to the Program.

**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 February 19, 2019. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(11) (text unchanged)

*(12) “Licensed certified social worker-clinical” means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 19, Annotated Code of Maryland.*

*(13) “Licensed clinical professional counselor” means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 17, Annotated Code of Maryland.*

*(14) “Licensed master social worker” means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 19, Annotated Code of Maryland.*

**[**(12)**]** *(15)*—**[**(21)**]** *(24)*(text unchanged)

*(25) “Voluntary inpatient admission” means the admission of an individual to an inpatient facility on the basis of:*

*(a) A signed and endorsed formal application for voluntary admission pursuant to Health-General Article, §10-609 or 10-610, Annotated Code of Maryland;*

*(b) An informal request for admission pursuant to Health-General Article, §10-609, Annotated Code of Maryland; or*

*(c) If the voluntary admission is to a VA hospital, the procedure established by the VA hospital.*

**[**(22)**]** *(26)* (text unchanged)

**.03 Pilot Program.**

A. The Department authorizes the Administration to create a program to provide community-based treatment to individuals with mental disorders who were:

(1) Admitted **[**involuntarily**]** to an inpatient facility under Health-General Article, **[**§10-632**]***Title 10*, Annotated Code of Maryland; and

(2) (text unchanged)

B.—D. (text unchanged)

**.05 Admission Criteria.**

A. (text unchanged)

B. To be voluntarily admitted **[**into**]** *to* the program*,* an individual shall *meet the following criteria*:

**[**(1) With the exception of §A(7) of this regulation, meet all criteria in §A of this regulation;

(2) Participate in a settlement conference with an ALJ, the legal service provider, and a representative of the inpatient facility; and

(3) Enter into a settlement agreement whereby the individual agrees to adhere to program recommendations including a treatment plan or support services, or both, as needed by the individual.**]**

*(1) Have a mental disorder;*

*(2) Be 18 years old or older;*

*(3) Be a resident of Baltimore City;*

*(4) Have had a combination of two voluntary or involuntary inpatient facility admissions in the preceding 12 months, including the most recent admission before the application for admission into the program;*

*(5) Have a demonstrated history of refusing community treatment that has been a significant factor in contributing to the current involuntary inpatient admission;*

*(6) Have a treatment history and behavior that indicates the need for outpatient treatment to prevent deterioration after discharge that is substantially likely to result in the individual becoming a danger to self or others in the community in the foreseeable future;*

*(7) Show that they are substantially likely to benefit from the outpatient treatment;*

*(8) Not be a danger to self or others in the community if released to the program;*

*(9) Be able to demonstrate that treatment in the program is the least restrictive alternative appropriate for the individual;*

*(10) Participate in a settlement conference with an ALJ, the legal service provider, and a representative of the inpatient facility; and*

*(11) Enter into a settlement agreement whereby the individual agrees to adhere to program recommendations including a treatment plan or support services, or both, as needed by the individual.*

**.06 Application for Admission.**

A. (text unchanged)

B. The Administration shall provide an application form that includes the following:

(1)—(5) (text unchanged)

(6) The signature and verification by a physician, psychiatrist, psychologist, **[**or**]** psychiatric nurse practitioner*,* *licensed certified social worker-clinical, licensed master social worker, or licensed clinical professional counselor*on behalf of the inpatient facility.

C.—D. (text unchanged)

ROBERT R. NEALL
Secretary of Health