

Maryland Department of Health, Behavioral Health Administration
Stakeholder Engagement Session 1 – 10.63, Chapter 1
Meeting Minutes

July 30, 2025
11:00 AM - 12:30 PM

- I. Welcome and Opening Remarks (11:00-11:05)**
- II. Meeting Procedures (11:05-11:10)**
- III. Status of COMAR 10.63 Regulatory Revisions/Review of Phase I, II, and II (11:10-11:15)**
 - a. Jordan provided an overview of Phases I, II, and II of the 10.63 updates, including that the Department will not finalize Phase 2 regulations until Phase 3 is published in the Maryland Register.
 - b. The Department received more than 110 formal comments on the 10.63 proposal published in May. All formal comments must receive responses in writing prior to finalization; responses have not yet been sent.
- IV. Brief Review of Changes to 10.63.01, Chapter 1 and Stakeholder Feedback (11:15-12:25)**
 - a. Definition and clarification of dietary requirements**
 - 1. Sherita explained that changes included a definition of “dietary services,” as well as a clarification of what is not included under “dietary services.” Food preparation by program participants is not considered a dietary service and does not require a commercial kitchen license.
 - 2. Jordan opened the meeting for questions. Takeaways from the stakeholder dialogue included that:
 - a) A commercial kitchen is not required for ordering food for participants.
 - b) A commercial kitchen license is not required in order for participants to be allowed to make their own food. However, if an applicable program is billing Medicaid for room and board, they are required to provide dietary services and therefore must have a commercial kitchen license or an agreement with a vendor for the provision of meals.

- c) These regulations are designed for all providers regardless of payer source. If providers are not billing Medicaid for room and board, they are not required to have a commercial kitchen.
- d) Intent of the Department to align BHA licensing regulations with Medicaid requirements where possible.

3. Clarification of the Department's intent with respect to the licensing of experimental programs

- a) Sherita clarified that this is already in existence in the current version of COMAR 10.63 as “demonstration projects” or “pilot programs.”
- b) Experimental programs cover both “demonstration projects” and “pilot projects.” Intentionally broad as these projects can vary greatly.

4. Compliance with Real Property Code Title 8 for residential programs related to processes for eviction and renter or tenant protections

- a) Sherita explained that Regulation .03 under COMAR 10.63.01 was changed to clarify that the requirement for compliance with Real Property Code, Title 8, Annotated Code of Maryland was meant for nonresidential programs under 10.63 that offer housing to participants.

5. Revision of critical incident reporting requirements

- a) The purpose of this revision was to clarify reporting requirements for 10.63 providers.
- b) Sherita discussed that the intent of the Department is not to examine lifetime incidence of critical incidents. The intent of the regulations is to look at incidence of these events during the course of an individual's treatment at a program licensed under COMAR 10.63. Further discussed that the intent of the Department is not to create an overburdensome requirement but to provide notice to the Department to be able to provide additional assistance to the program if needed.

V. Closing Remarks and Next Steps (12:25-12:30)