

# HOUSE BILL 861

J1

5lr0511

---

By: **Delegate M. Washington**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Opioid Maintenance Programs – Licensing**

3 FOR the purpose of requiring that certain regulations adopted by the Secretary of Health  
4 and Mental Hygiene include a requirement that the process for approval of a license  
5 for an opioid maintenance program include an assessment of a certain catchment  
6 area, the number of existing slots in opioid maintenance programs in a certain  
7 catchment area and the number of individuals in need of certain services in a certain  
8 catchment area, the severity of drug–related crime in a certain catchment area, the  
9 at–risk population of opioid addiction in a certain catchment area, the need for an  
10 opioid maintenance program in a certain catchment area, and a requirement that  
11 the Secretary issue a certain report; defining a certain term; requiring the Secretary  
12 to adopt a certain regulation increasing a certain fee; and generally relating to the  
13 licensing of opioid maintenance programs.

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 8–404  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2014 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Health – General**

22 8–404.

23 (A) IN THIS SECTION, “OPIOID MAINTENANCE PROGRAM” HAS THE  
24 MEANING STATED IN § 21–2A–01 OF THIS ARTICLE.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1            **[(a)] (B)**        (1)     The Secretary shall adopt regulations for establishing, operating,  
2 and licensing a substance use disorder program.

3                            (2)     Regulations adopted under this subsection shall include:

4                            (i)     The requirements for licensure of a substance use disorder  
5 program;

6                            (ii)    The process for a substance use disorder program to apply for a  
7 license;

8                            **(III) A REQUIREMENT THAT THE PROCESS FOR APPROVAL OF A**  
9 **LICENSE FOR AN OPIOID MAINTENANCE PROGRAM INCLUDE AN ASSESSMENT OF:**

10                            **1. AN APPROPRIATE CATCHMENT AREA FOR THE**  
11 **PROPOSED LOCATION OF THE OPIOID MAINTENANCE PROGRAM USING A ZIP CODE,**  
12 **A 1-MILE RADIUS, OR OTHER METRIC AS DETERMINED BY THE SECRETARY;**

13                            **2. THE NUMBER OF EXISTING SLOTS IN OPIOID**  
14 **MAINTENANCE PROGRAMS IN THE CATCHMENT AREA OF THE PROPOSED LOCATION**  
15 **FOR THE OPIOID MAINTENANCE PROGRAM AND THE NUMBER OF INDIVIDUALS IN**  
16 **NEED OF OPIOID MAINTENANCE PROGRAM SERVICES IN THE CATCHMENT AREA;**

17                            **3. THE SEVERITY OF DRUG-RELATED CRIME IN THE**  
18 **CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID MAINTENANCE**  
19 **PROGRAM;**

20                            **4. THE POPULATION AT RISK OF OPIOID ADDICTION IN**  
21 **THE CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID**  
22 **MAINTENANCE PROGRAM; AND**

23                            **5. THE NEED FOR AN OPIOID MAINTENANCE PROGRAM**  
24 **IN THE CATCHMENT AREA OF THE PROPOSED LOCATION FOR THE OPIOID**  
25 **MAINTENANCE PROGRAM;**

26                            **(IV) A REQUIREMENT THAT THE SECRETARY ISSUE A WRITTEN**  
27 **REPORT ON THE ASSESSMENT THAT IS REQUIRED UNDER SUBPARAGRAPH (III) OF**  
28 **THIS PARAGRAPH THAT INCLUDES:**

29                            **1. IF A LICENSE IS APPROVED, ANALYSIS OF THE**  
30 **SUSTAINABILITY OF THE OPIOID MAINTENANCE PROGRAM; AND**

1                                   **2. IF A LICENSE IS DENIED, ANALYSIS OF THE**  
2 **SATURATION OF OPIOID MAINTENANCE PROGRAMS IN THE CATCHMENT AREA OF**  
3 **THE LOCATION PROPOSED FOR THE OPIOID MAINTENANCE PROGRAM;**

4                                   **[(iii)] (V)**     A description of the substance use disorder programs that  
5 are required to be licensed;

6                                   **[(iv)] (VI)**     Any requirements for the governance of a substance use  
7 disorder program, including a provision prohibiting a conflict of interest between the  
8 interests of the provider and those of the individuals receiving services;

9                                   **[(v)] (VII)**     Provisions for inspections of a substance use disorder  
10 program, including inspection and copying of the records of a substance use disorder  
11 program in accordance with State and federal law; and

12                                  **[(vi)] (VIII)**    Provisions for denials, suspensions, and revocations of  
13 licenses, including notice and an opportunity to be heard.

14                                  **[(b)] (C)**     The Secretary may require a substance use disorder program to be  
15 granted accreditation by an accreditation organization approved by the Secretary under  
16 Title 19, Subtitle 23 of this article as a condition of licensure under regulations adopted  
17 under this section.

18                                  **[(c)] (D)**     Except as otherwise provided in this subtitle, a person may not operate,  
19 attempt to operate, or purport to operate a substance use disorder program in the State  
20 unless the program is licensed by the Secretary.

21                                  SECTION 2. AND BE IT FURTHER ENACTED, That on or before March 31, 2016,  
22 the Secretary shall adopt a regulation that increases by 10% the initial application fee for  
23 a license for an opioid maintenance program.

24                                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2015.