



MARYLAND

Department of Health

Bills of Interest, 2019 General Assembly Session

High Priority Topics (Alphabetical by Topic, then by Bill Number)

- **Alcohol and Tobacco Commission (HB1052, Ch. 12, veto overridden)** - transfers Comptroller's field enforcement division to separate new agency

- **Certificate of Need (MHCC Departmentals) Reform**
 - **HB626 (Ch. 15, no gov signature)** – emergency bill; exempts from CON bed capacity requirement for intermediate care facility, existing general hospice programs, requires notice 45 days prior.

 - **HB646 / SB597 (Ch. 415/416)** – requires state health plan revisions and review and that it be consistent with the MD all payer model contract; defines “hospital capital threshold”

 - **HB931 / SB940 (Ch. 474)** – Repeals CON requirements for change in operating room capacity, freestanding ambulatory surgical facilities or group practice, etc.

- **Family Planning Program Funding**
 - **HB1272 / SB904 (Ch. 733/734, no gov signature)** - Mandates rejection of federal funding and use of state funding for Title X services (Family Planning Services) if a federal rule change occurs removing the requirement that family planning services be “medically approved.” The federal rule is still in the comment phase, and is currently the subject of extensive litigation.

- **Food Safety Bills (Public Health Services)**
 - **HB50 – MD Produce Safety Program (Ch. 131)** - Primarily affects Dept. of Agriculture, but allows Ag. Sec. to delegate sprouts standards enforcement to MDH.

 - **HB522 – Food Establishments – Licensing (Ch. 230)** – implements food service workgroup recommendations for temporary food service

 - **HB527 / SB290 – Cottage Food Products – Definition and Sale (Ch. 370/371)** – alters cottage food products to include nonhazardous food and allows sale in retail food stores or cooperatives; requires a label for sale at a retail food store and to complete a food safety course; label to be submitted to MDH.

- **Kirwan Commission/School-Based Health Centers**
 - **HB1413 / SB1030 - The Blueprint for Maryland's Future (Ch. 771)** – This bill is a comprehensive change to Maryland's education funding structure (Kirwan Year Zero).
 - **HB47 / SB404 - (Revisions) (Ch. 444)** – Requires MSDE/MDH to revise school-based health center (SBHC) guidelines by August 1, 2019 to repeal requirements that SBHCs have a medical director who is a physician; authorizes nurse practitioners to serve as clinical directors.
 - **SB0661 - Community Schools (Ch. 529)** – This bill is a companion bill to the Blueprint for Maryland's Future, and requires the creation of a classification called Community Schools with a Community School Coordinator who is responsible for working with community partners on issues including school-based mental and physical health

- **Minimum Wage / \$15**
 - **HB166 / SB280 - Payment of Wages – Minimum Wage (Ch. 10/11, Veto Overridden)** - bill takes effect June 1, 2019; requires certain specified minimum wage increases; requires mandatory budget allocations/rate increases for certain MDH programs with direct care staff employment and reporting requirements by Dec. 1, 2019 (and annually)

- **Pharmacy Benefit Managers (PBMs)**
 - **HB589 – Medical Assistance Program and MCOs That Use Pharmacy Benefits Managers – Audit and Professional Dispensing Fees - Emergency Bill (Ch. 534)** - requires Medicaid to contract with an independent auditor to audit PBMs and provide results by Dec. 1, 2019; develop recommendations for an appeals process for decisions made in accordance with contracts between a PBM and an MCO and report by Jan. 1, 2020; MDH may apply for a federal waiver, subject to the limitations of the State budget, to provide professional dispensing fees or other measures for pharmacies to ensure access to pharmacy services by July 1, 2020.
 - **HB754 – Health Insurance and PBMs - Cost Pricing and Reimbursement - Emergency Bill (Ch. 400)** – bill mostly affects MIA, requires each pharmacy contract to include a process to appeal, investigate and resolve disputes regarding

maximum allowable cost pricing and cost-pricing and reimbursement; part 2 of the PBM response by the legislature.

- **HB759 – PBMs - Pharmacy Choice (Ch. 550)** – prohibits a PBM from requiring a beneficiary to use a specific pharmacy if the PBM has an ownership interest (or corporate affiliates); a PBM may require a beneficiary to use a specific pharmacy for a specialty drug.
- **Prescription Drug Affordability Board**
 - **HB768 (Ch. 692, no gov signature)** – establishes board to protect the state from high prescription drug costs; creates stakeholder council; creates the process and requires the board to identify drugs with certain costs and report on the entire pharmaceutical distribution & payment system in State to lower the list price of drugs by Dec. 31, 2020; on or after Jan. 1, 2022, the board may set an upper payment limit for drugs that are purchased by a unit of State or local gov't or through a health benefit plan of a unit of State or local gov't, or by the Medical Assistance program.
- **Prescription Drug Monitoring Program**
 - **HB25 / SB195 – (Revisions) (Ch. 531)** – allows PDMP to monitor for abuse/misuse, authorizes unsolicited reporting to Office of Controlled Substances Administration, etc.
 - **HB466 – (DLS Sunset Evaluation & Revisions) (Ch. 364)** – allows PDMP to provide data to OAG; other DLS changes
- **Reinsurance / Individual Market Stabilization**
 - **HB258 / SB239 – Individual Market Stabilization - Provider Fee (Ch. 597/598, no gov signature)** – extends the existing State health insurance provider fee assessment through CY23. In CY20-23, the amount of the assessment must be 1% on all amounts used to calculate the insurer's premium tax liability for the immediately preceding calendar year. The assessment applies only to products that (1) are subject to the health insurer fee under the federal Affordable Care Act and (2) may be subject to assessment by the State. Calculation of the assessment must be made without regard to the threshold limits or partial exclusion of net premiums provided for in the ACA. Medicaid managed care organizations are subject to the assessment and must pay the assessment on a quarterly basis, in accordance with a schedule adopted by MIA. Doesn't apply to stand-alone dental or vision plans.

- **HB697 / SB868 (Ch. 417/418)**– extends MD Health Insurance Coverage Protection Commission, requires a workgroup to monitor certain court cases and enforcement of the Affordable Care Act; etc.
- **HB814 / SB802 – Maryland Easy Enrollment Health Insurance Program (Ch. 423/424)** – Establishes the Md. Easy Enrollment Health Insurance Program where by Jan. 1, 2020, MHBE, MDH and the Comptroller must develop & implement systems, policies & practices that encourage, facilitate & streamline determinations of eligibility for insurance affordability programs (incl. Medicaid & MCHP) and enrollment in minimum essential coverage; MHBE or MDH shall determine eligibility for insurance affordability programs as soon as possible after an uninsured individual files a tax return indicating interest in obtaining minimum essential coverage; establishes workgroup to study whether implementing an individual responsibility amount or automatically enrolling individuals in a QHP in the individual market is feasible. (note – this is the amended version of the individual mandate bill)
- **Tobacco - Age 18 to 21**
 - **HB1169 (Ch. 396)** - raises the tobacco age from 18 to 21, includes as “tobacco products” paraphernalia such as flavorings, filters, and papers regardless of nicotine content, changes “electronic nicotine delivery systems” to “smoking devices” to reflect lack of nicotine requirement. Implementation recommendations: Confer with MMCC to determine impact on dispensaries, communications plan to make retailers and locals aware of tobacco product change (as well as appropriate military ID requirements)
 - **SB310** – (Baltimore City Only) **(Ch. 314)** – prohibits unpackaged cigarettes sale; allows the city health department to enforce, etc.

Departmental - Impact

- **Budget Bills / General Administrative**
 - **HB100 (Ch. 565)** – Budget
 - **HB101 (Ch. 14)** – Capital Budget
 - **HB1407 (Ch. 16)** – “Legislative BRFA”
 - **HB365 / SB17 – Reimbursement of Nonprofit Indirect Costs (Ch. 640/641)** – applies to reimbursement of indirect costs incurred by non-profits to interagency agreements and continuation of agreements that began before July 1, 2019
- **Capital Grants Program / Facilities**
 - **HB155 / SB164 – MDH Departmental (Ch. 385/386)** – Increases the percentage caps that MDH can fund to 75% for mental health/developmental

disabilities/federally qualified health centers; and 90% for federally designated shortage areas.

- **HB170 – Jane E. Lawton Conservation Loan Program – Eligible Borrowers (Ch. 135)** – Allows MDH and other state agencies to apply for low-interest/zero-interest loans for energy saving projects.
- **HB332 / SB158 – Community Dental Clinics Grant Program (Ch. 540)** – allows MDH to make grants; requires funding to be included beginning FY21 (without a specific amount); same process as existing MDH capital grant program.
- **SB330 - Diaper Changing Facilities (Ch. 523)** - Requires a diaper changing facility in at least one public restroom (both men and women) if:
 - the public building is constructed on or after 10/1/19;
 - a public restroom is constructed on or after 10/1/19;
 - or a public restroom undergoes substantial renovation (cost of \$30k or more) on or after 10/1/19.
- **Reports & Regulations**
 - **SB112 – DLS Report Revisions (Ch. 6, no gov signature)** -- the bill repeals or amends 15 reporting requirements for the Department, Occupation Boards, and Commissions.
 - **HB506 / SB970 (Ch. 477/478)** – requires MDH to produce an annual report on Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) by Dec. 1, 2019
 - **HB583 / SB356 (Ch. 449/450)** – requires MDH to include recommendations to reduce disparities in the maternal mortality rate and include a section on racial disparities in its existing annual report
 - **HB1124 - Regulations Impacting Small Business (Ch. 212)** - Bill takes effect on July 1, 2019. For regulations deemed to have an impact on small businesses, the Department is required to post the proposed regulation or regulation summary on the Department’s website. The Department must also establish an electronic registry to notify small businesses when a proposed regulation will have an economic impact. The Department must also develop a compliance guide, that must be updated as the regulation changes through the promulgation process, to assist small businesses in complying with the regulation.

By Administration

- **Behavioral Health**
 - **HB116 – Correctional Services – Opioid Use Disorder Exams and Treatment (Ch. 532)** – MDH to work with DPSCS and local detention centers to develop timetable for inmates to receive assessments in accordance with

medical best practices. By Dec. 1, 2019, GOCCP, DPSCS, and MDH shall apply for federal funding to support implementation beyond FY 2020.

- **HB427 / SB403 – Outpatient Civil Commitment Pilot Program – Revisions – (Ch. 359/360)** expands pilot program to voluntary admissions as well; contingent on continued program funding.
- **HB570 / SB178 – Outpatient Mental Health Centers – Medical Directors – Telehealth (Ch. 274/275)** – removes onsite physician requirement from outpatient mental health centers, permits medical director to be onsite through the use of telehealth; does not apply to opioid treatment providers
- **HB1122 - Outpatient Mental Health Centers - Medical Directors (Ch. 481)** – Allows psychiatric nurse practitioners to serve as a medical director of OMHCs; does not apply to opioid treatment providers
- **HB1274 - Opioid Restitution Fund (Ch. 537)** - establishes an opioid restitution fund to receive any revenue from a judgment against opioid manufacturers, etc.
- **SB521 – Veteran Suicide Prevention - Comprehensive Action Plan (Ch. 35)** – Requires MDH to develop two action plans and report by July 1, 2020 on access to and availability of professional veteran health services to prevent veteran suicides; MDH has to implement certain initiatives/reforms by June 30, 2023, the second by June 30, 2029.
- **Developmental Disabilities**
 - **HB1420 - Services for Individuals With Developmental Disabilities - FFS Payment Pilot Program - (DDA Departmental) (Ch. 390)** - authorizes DDA to establish a fee-for-service pilot program for providers who render waiver program services (incl. meaningful day services, residential services and support services) to individuals with a developmental disability. MDH must determine and establish rates for waiver program services and publish rates (and any subsequent changes to those rates) in regulation.
- **Medicaid**
 - **HB605 / SB524 – Telemedicine – Psychiatric Nurse Practitioners and Psychiatrists (Ch. 479/480)** – requires MDH to include psychiatric nurse practitioners providing assertive community treatment or mobile treatment services in any regulations that specify the types of health care providers who are eligible to receive reimbursement for telemedicine health care services. By September 30, 2021, MDH must report on the effect on Medicaid general fund expenditures of reimbursing telemedicine services from psychiatric nurse practitioners providing ACT or MTS.
 - **SB220 - Coverage of Dental Services - Repeal of Contingency (Ch. 412)** - repeals language that makes Medicaid’s provision of dental services to adults

with incomes below 133% of the federal poverty level contingent on specified findings of the Maryland Dental Action Coalition, as recommended by Ofc. of Attorney General

- **SB598 – Hepatitis C Drugs (Ch. 451)** – Requires Medicaid to provide coverage of any medically appropriate drugs regardless of fibrosis score; allows MDH to continue clinical criteria requirements; note budget restriction on \$1.3M in funds.
- **SB699 – Home and Community Based Waiver Services – Prohibition on Denial (Ch. 414)** - prohibits MDH from denying an individual access to a Medicaid home- & community-based services waiver due to lack of funding for the waiver if: (1) the individual is living at home or in the community at the time of application; (2) the individual received home- & community-based services through Community First Choice for at least 30 consecutive days; (3) the individual will be or has been terminated from Medicaid due to becoming eligible for or enrolled in Medicare; (4) the individual meets all of the eligibility criteria for participation in the waiver within six months after the completion of the application; and (5) the home- & community-based services provided for the individual would qualify for federal matching funds. (Note: this is the lesser of the two HCBOW bills).
- **Public Health (including Local Health Departments)**
 - **HB109 / SB285 – Styrofoam Ban (Ch. 579/580, no gov signature)**– prohibits sale of Styrofoam after July 1, 2020 or providing food or beverages in such products; allows local governments authority to establish standards; requires Dept. of the Environment to conduct public education campaign; LHDs have to enforce the prohibition; MDH role – coordinate with MDE on waiver process with respect to food service establishments.
 - **HB124 / SB299 – Tanning Devices - Use by Minors (Ch. 440/441)** – MDH shall develop a specific notice; allows MDH to impose fines for violations.
 - **HB145 / SB301 – Hospitals – Patient’s Bill of Rights (Ch. 285/286)**– Requires patients to be provided with a certain bill of rights; requires OHCQ to monitor each hospital’s compliance and report by Jan. 1, 2021.
 - **HB190 – Failing On-Site Sewage Disposal System – Definition (Ch. 342)** – defines of “failing on-site sewage disposal system”.
 - **HB316 – ImmuNet (Ch. 502)** – requires a health care provider who administers a vaccine to report all vaccines to ImmuNet (with certain exceptions); requires MDH to make available “refusal to permit” forms to providers.
 - **HB417 – Notification of Sewer Overflows and Treatment Plant Bypasses Alteration (Ch. 310)** – MDH, LHDs, and local environmental health directors are required to develop public notification of sewer overflow or treatment plan

bypass and requires MDH to post notices on the main website.

- **HB519 / SB697 – Family Law – Parentage and Adoption (Ch. 437/438)** – MDH needs to develop new forms & computer system / possible new regulations by June 1, 2019 to provide for gender neutral parentage forms at birth
- **HB761 / SB600 – Sickle Cell Disease - Steering Committee and Services (Ch. 452)** – revisions and alterations in services to the extent practicable.
- **HB796 – Maternal Mortality Review Program – Establishment of Local Teams (Ch. 448)** – authorizes local MMR teams and their purpose/duties; authorizes MDH to release information (VSA).
- **HB1233 – Reduction of Lead Risk in Housing (Ch. 341)** – Local Health Departments must conduct an environmental investigation for children / pregnant women after notice of certain blood testing results
- **HB1349 - Students with Sickle Cell Diseases - Revisions (Ch. 542)** - Extends to August 1, 2019 the ability for MSDE and MDH to develop guidelines for students with sickle cell disease and to Sept 1, 2019 to provide students with technical assistance
- **HB1400 / SB1012 - Death Certificates – Completion and Cause of Death Report (Ch. 558)** - authorizes a physician to complete a certificate of death
- **SB495 – Medical Laboratories Tests and Procedures – Advertising (Ch. 413)**– allows a person to directly/indirectly advertise for a laboratory test or procedure ordered by a physician and performed by a medical laboratory
- **SB543 - Vital Records - Health Information Exchange Data Access and Security Protocols and Protections (Ch. 759, no gov signature)** – requires MDH to implement security protocols with MDOT / MVA data access and authorizes MDH to enter into a data use agreement with CRISP for death certificates
- **SB727 – Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program (Ch. 219)** – establishes the program in MDH to provide grants to fire departments and volunteer fire departments to procure cancer screening tests, mandates \$100,000 in FY21
- **SB922 – Milk – Labeling (Ch. 530)** – contingent on passage by 11 of 14 states, prohibits a person selling a product labeled as milk if the product is not derived from a cow or another animal.

Boards / Commissions / Independent Agencies

- **Appointments (General)**

- **HB520 / SB406 – Prenatal and Infant Care Coordination – Grant Funding and Task Force (Ch. 661/662, no gov signature)** – mandates \$100,000 in FY 21 for the Grant Program Fund; establishes a task force to make recommendations including Medicaid programs; MDH and HSCRC to staff; requires findings and recommendations by Nov. 1, 2019
- **HB571 / SB522 – Virginia I. Jones Alzheimer’s Disease and Related Disorders Council – Revisions (Ch. 410/411)**– alters the membership, repeals the requirement that MDH / Aging serve as chairs, other revisions.
- **HB606 (Ch. 253)** – includes MDH representative on Juvenile Justice Reform Council
- **HB911 – Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors (Ch. 553)** – MDH representative on workgroup to study homelessness; report due by Dec. 1, 2019; staffed by Joint Committee on Ending Homelessness
- **HB923 – Task Force to Study Transportation Access (Ch. 705, no gov signature)** – MDH designee on this task force to study transportation services and policies

- **General Changes**

- **HB22 (Ch. 568, no gov signature)** – prohibits units that issue occupational licenses or certificates from denying an application for a license / certificate based solely on an applicant’s criminal history if 7 years or more have passed since the conviction and no new crimes have been charged.
- **HB364 / SB909 (Ch. 425)** – Prohibits Medical Examinations on Anesthetized or Unconscious Patients if informed consent is not obtained; exceptions provided.

- **Cannabis Commission**

- **HB17 (Ch. 456)** – allows for the purchase of cannabis from academic research institutions; allows for sale of edibles; extends prohibition of license transfers from 2 to 3 years; medical cannabis cannot be grounds for revoking parole/probation; establishes advertising rules; regulations needed.
- **HB1123 (Ch. 228)** - alters the industrial hemp pilot program to be the Hemp Research Pilot Program; establishes the Hemp Farming Program, requires regulations to be developed by Dept. of Agriculture and the Commission.
- **SB426 - Regulation of Dispensaries, Growers, and Processors (Ch. 501)**- repeals provision prohibiting the commission from issuing more than one grower license to each applicant, allows a person to have up to four dispensaries, etc.

- **Dental Board**
 - **HB738 – Dental Hygienist- Scope of Practice (Ch. 399)** - allows dental hygienists to practice under general supervision of a licensed dentist; alters the practice hour requirements; etc.

- **Health Benefit Exchange**
 - **HB127 / SB36 – Health Benefit Plans – Special Enrollment Period for Pregnancy (Ch. 355)** – establishes a special 90-day enrollment period from the date pregnancy is confirmed by a health care practitioner.
 - **HB1098 - Small Business Tax Credit Subsidy (Ch. 401)**- allows for certain tax credit assistance to small businesses, whether a waiver is necessary, etc.
 - **HB1421 - MHBE - Functions and Outreach - (MHBE Departmental) (Ch. 391)**- MHBE to conduct outreach & education activities to increase health literacy and educate consumers about insurance affordability programs; authorizes MHBE to perform certain administrative, technological, operational and reporting functions for the Medical Assistance program, as requested by MDH.

- **Health Care Commission**
 - **HB607 / SB901 – MD Trauma Fund – State Primary Adult Resource Center – Reimbursement of On-call and Standby Costs (Ch. 394/395)** – alters the purpose of the fund to include subsidizing documented costs by the state primary adult resource center to maintain on-call and standby health care providers; requires MHCC to develop guidelines for reimbursement
 - **SB1010 - Assessment of Services at Chestertown Hospital (Ch. 406)** – Requires MHCC and OHCQ to conduct an assessment of services provided at Chestertown and compare to services provided in FY2015 and what services were transferred/reduced. (Note: see budget restriction on MDH Ofc. of the Sec. Budget)

- **Nursing Board**
 - **HB228 / SB134 – Criminal History Records Checks – Revised Statement – (Ch. 446/447)** Requires DPSCS to provide BON revised criminal history records if there is new information.

- **Other Boards & Commissions**
 - **HB218 / SB147 – Disposition of Remains – Forfeiture or Waiver of Right of Disposition (Ch. 231/232)** – Adds adult grandchild to the list of persons who have the right to arrange for final disposition of a body and other technical / operational changes
 - **HB404 / SB303 – Acupuncture Board – Practice of Acupuncture - Definition and Education Requirements (Ch. 543)** – requires licensees to complete a

Masters' level program rather than previous hourly requirement

- **HB471 / SB447 – Optometry Board Revisions (Ch. 344)** – “scope of practice compromise” between the ophthalmologists and optometrists
- **HB648 / SB652 – Interstate Physical Therapy Licensure Compact (Ch. 374)** – creates the impact and the effective date mechanisms for various states, etc.
- **HB1104 / SB958 - Professional Counselors and Therapists - Criminal History Records Checks (Ch. 408/409)**- authorizes the board to take action against a clinical professional counselor under certain circumstances; repeals certain art therapy educational requirements
- **SB554 - Massage Therapy Examiners - Authority to Regulate (Ch. 761, no gov signature)** – (impacts on local health departments) Authorizes local counties to adopt certain ordinances / regulations to massage establishments and authorizes local health officers to carry out certain provisions
- **SB796 – Commission on Kidney Disease - Membership Revisions (Ch. 505)** - changes from 3 to 2 to be on the required list from which the Governor appoints; allows members of the commission to have some ownership interest in renal dialysis/kidney transplant centers
- **Physicians Board**
 - **HB638 – Sunset Evaluation and Termination (Ch. 419)** – Requires legislative audit of the board by Jan. 1, 2020.
 - **HB924 / SB733 – Registered Cardiovascular Invasive Specialists (Ch. 445)** – allows delegation to these specialists for fluoroscopies, provides for penalties, etc.
 - **HB1288 / SB916 - Dispensing Permit Exemption - Topical Medication (Ch. 535)** - allows for dispensing of topical medications for the treatment of hypotichosis, authorizes permit issuance, etc.