

COMAR 10.21.XX Community-Based Behavioral Health Programs – Definitions

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Ability to pay" means the individual's ability to pay for mental health services, as determined according to the provisions of COMAR 10.04.02.
- (2) "Accreditation" means the process by which the Rehabilitation Accreditation Commission (CARF), The Joint Commission (TJC), or other DHMH-approved national accrediting organization evaluates and authorizes a program seeking licensure under this chapter.
- (3) "Administration" means the Behavioral Health Administration within the Department of Health and Mental Hygiene.
- (4) "Administrative services organization (ASO)" means the organization under contract with the Department to provide administrative services for the behavioral health system.
- (5) "Admission" means the documented acceptance of an applicant into a program.
- (6) "**Adolescent**" means an individual who is older than 12 years old and younger than 18 years old.
- (7) "American Society of Addiction Medicine Patient Placement Criteria" means an instrument designed to indicate patient placement guidelines for admission, continued stay, and discharge.

- (8) "Applicant" means a individual who is the subject of an application for enrollment in a program.
- (9) "Approved accreditation organization" means an accreditation organization approved by the Secretary pursuant to Health-General Article, §19-2302, Annotated Code of Maryland.
- (10) "Assessment" means the process of ascertaining the treatment needs of the patient regarding addiction and other social issues.
- (11) "Board" means the executive authority and policy-making group which operates a psychiatric day treatment center for mentally ill persons.
- (12) "Case resolution conference (CRC)" means an informal proceeding before an evidentiary hearing to determine if there are grounds for settlement of a contested case.
- (13) "Community-based" means an organization that is not located in a hospital, as defined under Health-General Article §19-301, Annotated Code of Maryland.
- (14) "Complete application" means all:
 - (1) Questions on the application form are answered; and
 - (2) Necessary documents are included.
- (15) "Consultant" means an individual who is not a salaried staff member of the facility.
- (16) "Consumer" means a person who has received or is receiving services in any program, public or private, providing mental health services or is the relative of a person receiving or having received these services.

- (17) "Core service agency (CSA)" means the county or multi-county authority, designated under Health-General Article, Title 10, Subtitle 12, Annotated Code of Maryland, and approved by the Department, that is responsible for planning, managing, and monitoring publicly funded mental health services.
- (18) "Certification" means the approval issued to a program by the Administration to provide services under this subtitle.
- (19) "Clinical staff" means the individuals employed by or associated with a program who provide treatment, care, or rehabilitation to program patients or patients' families.
- (20) Correctional Facility.
 - (a) "Correctional facility" means an institution overseen by the State or one of the 24 subdivisions where individuals are incarcerated.
 - (b) "Correctional facility" includes a jail, detention center, prison, or correctional halfway house.
- (21) "Deemed status" means the Secretary's granting of approval under this subtitle to a program, based on the program's accreditation under the relevant behavioral healthcare standards of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or Rehabilitation Accreditation Commission (CARF).
- (22) "Deficiency" means a failure to meet a regulation.
- (23) "Department (DHMH)" means the Department of Health and Mental Hygiene.

- (24) "Designated Licensure Unit" means the office within the Department that oversees the licensing and inspection of programs for the Administration.
- (25) "Discharge" means authorization by a physician for a voluntarily or involuntarily admitted individual to leave an inpatient facility.
- (26) "Documentation" means written or recorded information that is dated.
- (27) "Drug" means:
- (a) A controlled dangerous substance that is regulated under the Maryland Controlled Dangerous Substances Act;
 - (b) A prescription medication; or
 - (c) A chemical substance when used for unintended and harmful purposes.
- (28) "Emergency department" means an organized hospital-based facility that provides unscheduled episodic services, 24 hours per day, 7 days per week, for individuals who present for immediate medical attention.
- (29) "Enhanced support" means short-term, in-home services, in addition to other services to an individual, by a program that is approved by the Administration to provide this service, to support the individual to remain in the community.
- (30) **"Facility" POSSIBLE DEFINITIONS**
- "Facility"** means any public or private hospital, clinic, or other institution that provides or purports to provide treatment or other services for a mental disorder, except an acute care general hospital that does not have a separately identified inpatient psychiatric service.
- "Facility"** means an entity defined in Health-General Article. § 10-102(e,)

Annotated Code of Maryland.

"Facility" has the meaning indicated in Health-General Article, §10-102(e), Annotated Code of Maryland, and may also be referred to as a site.

(31) "Fee" means the dollar amount, established by the Secretary, that a provider may charge an individual who receives services under this chapter for a unit of service, before the application of an ability-to-pay determination.

(32) "Family" means an individual's immediate relatives or significant others.

(33) "Group home."

(a) "Group home" means a residential program as defined in Health-General §10-514, Annotated Code of Maryland.

(b) "Group home" does not include a foster home that is the domicile of the foster parent.

(c) "Group home" does not include a facility that is:

(i) Owned or leased to the State or any public agency;

(ii) Regulated by the Department of Juvenile Services or the Developmental Disabilities Administration; or

(iii) Organized wholly or partially to make a profit.

(34) "Guardian" means a guardian as defined in Estates and Trusts Article, §13-101, Annotated Code of Maryland.

(35) "Integrated work" means work that provides an individual an opportunity to interact with nondisabled individuals.

(36) "Intermediate care facility" means a facility that provides a planned regimen of

24-hour professionally directed evaluation, observation, medical monitoring, and addiction treatment in an inpatient setting.

- (37) "Jurisdiction" means Baltimore City or one of the 23 counties in Maryland.
- (38) "Maintenance" means medically supervised continuation of the administration of methadone, LAAM, or other drugs approved by the Administration.
- (39) "Managed intervention plan (MIP)":
 - (a) Means the plan that is developed, when appropriate, that details the strategies to be implemented in times of crisis to provide for a revised plan of services and supports to maintain the individual in a residential rehabilitation program residence, to prevent the unplanned discontinuation of services, or to prevent an inpatient admission; and
 - (b) May be incorporated into the individual rehabilitation plan (IRP) or individual treatment and rehabilitation plan (ITRP).
- (40) "Medical Assistance Program" means the Medical Assistance Program as defined in COMAR 10.09.36.01.
- (41) "Medical director" means a physician who oversees the medical practice of a program.
- (42) "Medical record" means a record as defined in Health-General Article, §4-301, Annotated Code of Maryland.
- (43) "Mental health professional" means an individual who is licensed, certified, or otherwise legally authorized to provide the mental health service:
 - (a) Under Health Occupations Article, Annotated Code of Maryland; or

- (b) In the state where the service is rendered.
- (44) "Mental illness" means an illness resulting from a psychiatric disorder and does not include a primary diagnosis of alcohol or drug abuse or developmental disability.
- (45) "Methadone" means a synthetic opioid.
- (46) "Minor" means an individual who is younger than 18 years old.
- (47) "**Nurse**" means an individual who is licensed and legally authorized to practice as a nurse:
 - (a) Under Health Occupations Article, Annotated Code of Maryland; or
 - (b) In the state where the service is rendered.
- (48) "On-call" means the availability of designated program staff 24 hours per day, 7 days per week.
- (49) "**Patient**" means any individual receiving care and treatment in a facility.
- (50) "**Physician**" means an individual who is licensed and legally authorized to practice medicine:
 - (a) Under Health Occupations Article, Annotated Code of Maryland; or
 - (b) In the state where the service is rendered.
- (51) "Plan of correction" means the program's proposed response to findings of noncompliance identified by the Department's designated licensing unit or the Administration.
- (52) "**Program**" means a licensed community-based organization that provides behavioral health services.

- (53) "Program director" means the person who has over-all responsibility for the day-to-day activities of the program, including staff, records, policies, and procedures.
- (54) "Psychiatrist" means a physician who:
- (a) Is certified in psychiatry by the American Board of Psychiatry and Neurology; or
 - (b) Has completed the minimum educational and training requirements to be qualified to take the Board of Psychiatry and Neurology examination for certification in psychiatry.
- (55) "Referral" means a contact made with a program by an individual, or on behalf of an individual, for mental health services.
- (56) "Registered nurse" means an individual who is licensed to practice registered nursing under Health Occupations Article, Title 8, Annotated Code of Maryland.
- (57) "Residence" means a housing unit leased or owned by an approved residential rehabilitation program (RRP).
- (58) "Resident" means an individual who resides in a community-based residential behavioral health program.
- (59) "Residential specialist" means the individual designated by the Department or the CSA to inspect, monitor, and determine the approval status of a residence.

- (60) "Residential treatment" means a program of active behavioral health treatment that is provided on a residential basis, under the direction of a psychiatrist, and in conformity with an individualized treatment plan.
- (61) "Respite care" means services that are:
- (a) Provided for an adult with serious and persistent mental illness or a child with serious emotional disturbance;
 - (b) Provided on a short-term basis in a community-based setting; and
 - (c) Designed to support an individual's remaining in the individual's home by:
 - (i) Providing the individual with enhanced support or a temporary alternative living situation, or
 - (ii) Assisting the individual's home caregiver by temporarily freeing the caregiver from the responsibility of caring for the individual.
- (62) "Sale" means the transfer of a majority interest of ownership.
- (63) "Secretary" means the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee.
- (64) "Substance use disorder" means alcohol abuse, alcohol dependence, alcohol misuse, drug abuse, drug dependence, drug misuse, or any combination of these.

- (65) "Supported employment program" means a program designed to assist an individual to obtain competitive employment in an integrated work environment that provides:
- (a) Compensation to individuals of at least minimum wage;
 - (b) An individualized approach that establishes an hours-per-week employment goal to maximize an individual's vocational potential;
 - (c) Additional supports, as needed, delivered where appropriate; and
 - (d) Transitional employment placements, as appropriate.
- (66) "Therapeutic agent" means an intervention that is used to effect positive change.
- (67) "Variance" means an alternate method of meeting the intent of a regulation under this subtitle.
- (68) "Waiver" means the exemption from compliance with a regulation under this subtitle.
- (69) "Working day" means any day except Saturday, Sunday, or a holiday on which State offices are closed.

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