

INTRODUCTION TO ACCREDITATION AND LICENSING

Maryland's COMAR 10.63 regulations have brought about significant changes in the way that mental health (MH) and substance-related disorder (SRD) treatment programs are permitted to operate in the State.

Previously, all SRD treatment programs in the public system were required to be "certified" by the Office of Health Care Quality (OHCQ) in order to operate. In contrast, MH programs in the Public Mental Health System were "approved" to operate by OHCQ in order to be eligible to receive public funds (e.g., Medicaid reimbursement).

Effective in October 2016, however, the newly integrated behavioral health system began to transition to a new arrangement, in which both SRD programs and MH programs are required to be licensed in order to operate. This licensing requirement is no longer limited to those agencies using public funds, it applies to all programs that meet the criteria specified in the regulations.

By April 1, 2018 all eligible programs must be licensed in order to continue operation, but, in order to achieve this, license applications must be submitted before January 1, 2018 to the Behavioral Health Administration (BHA), which has taken over the function previously performed by OHCQ.

COMAR 10.63 outlines three different groups of programs, and it is vital for each agency to determine, for each program it operates, where it is classified in the listing below.

1. Some programs are *exempt* from COMAR 10.63, and will not have to obtain accreditation/licensing under this regulation (A listing of the exempt programs may be found in COMAR 10.63.01.04).
2. Most programs require "accreditation" by an approved Accrediting Organization (AO) as a precondition for issuance of a license. (A listing of these programs is in COMAR 10.63.02.02)
3. A very limited number of programs only require State licensure. (These are listed in COMAR 10.63.05.03).

To help determine whether or not a specific program requires accreditation or licensure through COMAR 10.63, BHA has prepared a decision tree.

<https://bha.health.maryland.gov/Documents/Decision%20Tree.pdf>.

It is very important to use both the decision tree and the applicable COMAR regulations when verifying into which of the three categories a program falls.

For the large number of programs that are required to obtain both accreditation and licensing, there are three major steps involved:

1. **Obtain accreditation.** A listing of approved AOs is available on this website. Each organization has slightly different standards and a different cost structure, and agencies may decide which one to use. Not all of the AOs are approved to accredit all programs, so it is important to ensure that a particular agency's programs are covered.

2. **Obtain a written agreement to cooperate** with the Local Addiction Authority (LAA), Core Service Agency (CSA), or Local Behavioral Health Authority (LBHA) in each jurisdiction in which services will be offered. If offering both mental health and SRD services, then there must be an Agreement to Cooperate from both the CSA and LAA in jurisdictions that do not have an LBHA.

A second reason to contact the CSA/LAA/LBHA is that, to the extent they are available, an agency may be able to access some funds to help offset the cost of accreditation.

The form for the Agreement to Cooperate is listed on this website.

3. **Submit a licensing application to BHA.** The form on which to do this is on this website. The specifics of the application process are laid out in COMAR 10.63.06.

Questions should be addressed to bha.regulations@maryland.gov.