

PROVIDER ALERT
Program and Site Closures
January 26, 2023

Target Audience: All COMAR 10.63 Licensed Providers

The Maryland Department of Health's Behavioral Health Administration (BHA) is concerned about the risk posed to program participants by unplanned, hasty closures of program sites. This alert is a reminder to all providers concerning their regulatory and ethical obligations relating to site and program closures.

Providers are ethically and legally bound to ensure that all participants in a closing program are properly referred to other services, and given a choice of providers. Failure to provide proper referral options is considered patient abandonment, and may have consequences for the offending provider, including civil penalties, report to the responsible professional board, and disqualification from future licensure.

Referrals are ideally made with "warm handoffs", in which staff of both the referring organization and the receiving organization have a joint meeting with the participant.

Providers are also required to ensure the safety and integrity of all clinical documentation, and to make provisions for the documentation's access by participants and State auditors for at least six years.

It is critical that providers give the responsible Local Behavioral Health Authority, CSA or LAA (LBHA) at least 60 days notice of pending closure, and that they work collaboratively with the LBHA to ensure that all participants are accounted for.

[COMAR 10.63.10](#) outlines the requirements that all providers must meet if a program site is closed. Instead of the Office of Health Care Quality (OHCQ), as is stated in the regulation, providers are now required to contact the BHA Office of Licensing with a draft plan for closure. This should be sent to BHA.licensing@maryland.gov, and must include the provider's contact phone and email.

The provider remains responsible for implementation of proper closure procedures until the relevant LBHA and BHA Office of Licensing sign off on final closure.

If you have questions about the information contained in this alert, please contact BHA licensing at bha.COMARquestions@maryland.gov

Thank you,

Optum Maryland Team