

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1293 (Delegate Ruff, *et al.*)
 Health

Behavioral Health Programs - Residents at Inpatient Facilities - Sex Offender Registry Compliance

This bill requires behavioral health programs that own, lease, operate, or control an inpatient facility to take affirmative and reasonable steps to determine whether a resident is required to register as a sex offender. Steps must include asking the resident whether they are required by law to register, and if so, verifying whether the resident is listed on the Maryland Sex Offender Registry. If a program determines that a resident is required to register, it must take reasonable steps to ensure compliance, including (1) informing the resident of their legal obligations; (2) assisting with coordination or communicating with appropriate law enforcement or registry authorities; and (3) documenting compliance efforts. A program may demonstrate compliance by maintaining written policies requiring inquiry and registry checks and documenting the reasonable steps taken to ensure compliance. The bill also establishes penalties for violations of the bill and makes conforming changes.

Fiscal Summary

State Effect: General fund expenditures increase by \$155,300 in FY 2027. Future years reflect annualization, inflation, and ongoing costs. Penalty provisions are not anticipated to materially affect State revenues.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	155,300	181,200	189,700	198,300	207,000
Net Effect	(\$155,300)	(\$181,200)	(\$189,700)	(\$198,300)	(\$207,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: “Inpatient facility” means a dwelling group home, treatment residence, or housing unit that is owned, leased, operated, or otherwise controlled by a behavioral health program. “Resident” means an individual who resides at an inpatient facility, regardless of the individual’s length of stay.

For a first violation of the bill, the Maryland Department of Health (MDH) must issue a written notice of deficiency to the program and require the program to submit and implement a corrective action plan within a reasonable time specified by MDH. For a second violation or a failure to correct a deficiency, the program is subject to a civil penalty of up to \$5,000 per violation, and MDH may (1) require continued or enhanced corrective action and (2) impose enhanced monitoring or reporting requirements. For any subsequent violation or a failure to correct a deficiency, the program is subject to a civil penalty of up to \$10,000 per violation, and MDH may impose licensing or certification sanctions otherwise authorized under the Health-General Article, including probation, suspension or revocation, or denial of renewal.

The bill may not be construed to (1) require a behavioral health program to register a resident with the Maryland Sex Offender Registry on the resident’s behalf; (2) require a program to make legal determinations beyond reasonable verification of a resident’s registration status; or (3) modify registration obligations, classifications, timelines, or penalties under the provisions of State law relating to the Maryland Sex Offender Registry.

Current Law:

Sex Offender Registry

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland.

The registry is maintained by the Department of Public Safety and Correctional Services. All registrants must initially register with the appropriate supervising authority and/or with

the local law enforcement unit of the county where the registrant resides, as specified. A Tier I sex offender must register in person every six months with a local law enforcement unit for 15 years. A Tier II sex offender must register in person every six months with a local law enforcement unit for 25 years. A Tier III sex offender must register in person every three months with a local law enforcement unit for the life of the registrant. If a Tier I sex offender meets specified requirements, the registration term may be reduced to 10 years.

Behavioral Health Programs

Generally, a behavioral health program must be licensed by the Secretary of Health before providing program services in the State.

The Behavioral Health Administration (BHA) is required to adopt regulations that include:

- requirements for licensure of a behavioral health program, including a requirement that the program (1) establish and implement a plan for the safety of patients or (2) implement a safety or emergency plan established by the program for another purpose and revise the safety plan at least every five years;
- the process for a program to apply for a license;
- a description of programs that are required to be licensed;
- requirements for the governance of a behavioral health program, including (1) a provision prohibiting a conflict of interest between the interests of a provider and patient; (2) a provision authorizing a program licensed as an outpatient mental health center to satisfy any regulatory requirement that the medical director be on site through the use of telehealth by the director; and (3) a provision authorizing a psychiatric nurse practitioner to serve as a medical director of an outpatient mental health center, including through telehealth;
- provisions for inspections of a program, including inspection and copying of the program's records in accordance with State and federal law; and
- provisions for denials, sanctions, suspensions, and revocations of licenses, including imposition of civil money penalties and hearings.

State Expenditures: BHA advises that it requires two full-time special program coordinators to oversee compliance, respond to complaints, and issue corrective actions, as well as one part-time health policy analyst to develop regulations and engage stakeholders. Under these assumptions, MDH general fund expenditures increase by \$266,322 in fiscal 2027, with costs ranging from \$236,902 in fiscal 2028 to \$270,975 in fiscal 2031.

However, the Department of Legislative Services disagrees. Though some additional staff may be necessary to monitor compliance, existing BHA staff can handle any changes to

regulations. Thus, MDH general fund expenditures increase by \$155,347 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring two special program coordinators to oversee compliance, conduct site visits, and respond to complaints. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	\$137,065
Operating Expenses	<u>18,282</u>
Total FY 2027 State Expenditures	\$155,347

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

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caw/jc

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