



MARYLAND Department of Health

Larry Hogan, Governor · Boyd Rutherford, Lt. Governor · Dennis Schrader, Secretary


Behavioral Health Administration

55 Wade Avenue · Dix Building SGHC · Catonsville, MD 21228

Barbara J. Bazron, Ph.D., Deputy Secretary & Executive Director

MEMORANDUM

TO: Community-Based Behavioral Health Providers

From: Barbara J. Bazron, Ph.D. 
Deputy Secretary for Behavioral Health

Date: November 16, 2017

SUBJECT: **Variance for Community-Based Behavioral Health Providers Requesting a COMAR 10.63 License**

The purpose of this Behavioral Health Administration's memorandum is to re-affirm to existing behavioral health providers operating under COMAR 10.21 and COMAR 10.47 that the deadline for submission of the completed COMAR 10.63 license application is January 1, 2018.

This Behavioral Health Administration's memorandum outlines specific circumstances under which the Behavioral Health Administration's Variance Panel will grant a variance to extend the expiration date of existing approvals or certifications so that a provider may complete the license application process. If a variance is granted, the Behavioral Health Administration's Licensing Unit will accept COMAR 10.63 license applications submitted by January 1, 2018, that do not contain both a copy of the Accreditation Certification and the original signed Agreement to Cooperate.

For a behavioral health provider to be considered for a variance to the requirements that the provider be accredited and have an Agreement to Cooperate by January 1, 2018, one or more of the following conditions must apply and the necessary documentation must be submitted:

- The behavioral health provider has been notified by an approved accreditation organization of a scheduled accreditation survey date in 2018. If a provider does not have accreditation by January 1, 2018, the provider may obtain a variance to this requirement if, instead, the provider submits verification from an approved accreditation organization that the accreditation survey has been scheduled.
- The behavioral health provider has been surveyed by the accreditation organization but is awaiting final determination from the accreditation organization. If a provider does not have accreditation by January 1, 2018, the provider may obtain a variance to this requirement if, instead, the provider submits verification from an approved accreditation organization that the provider's accreditation survey has been conducted, and that the accreditation organization's final determination is pending.

- The behavioral health provider is awaiting its signed Agreement to Cooperate from a Core Service Agency (CSA), Local Addictions Authority (LAA), or Local Behavioral Health Authority (LBHA). If a provider does not have a signed Agreement to Cooperate, the provider may obtain a variance to this requirement if, instead, the provider submits documentation from a CSA, LAA, or LBHA demonstrating that the provider has completed the steps required in order to obtain the Agreement to Cooperate.
- The behavioral health provider is already accredited for other services by an approved accreditation organization and is awaiting approval of accreditation for a program for which the approved accreditation organization is developing behavioral health standards to meet specific service provisions in COMAR 10.63. If a provider is accredited for other programs but does not have behavioral health program accreditation by January 1, 2018, because the accreditation organization has not yet finalized its behavioral health standards, the provider may obtain a variance to the accreditation requirement if, instead, the provider submits documentation demonstrating that it is waiting for the accreditation organization to finalize its behavioral health standards. In addition, the provider must submit verification from the accreditation organization that the provider's accreditation survey has been scheduled.

In order to obtain any of the above variances, the applicant must submit a variance application along with the COMAR 10.63 license application to the Behavioral Health Administration's License Unit before January 1, 2018. The variance application can be found on the Behavioral Health Administration's website.

The Behavioral Health Administration's Variance Panel will determine whether a variance should be approved or disapproved within 10 working days after the Behavioral Health Administration's Licensing Unit's receipt of the provider's COMAR 10.63 license application and variance application.

A provider's application that is missing a copy of the Accreditation Certification or a signed Agreement to Cooperate from a CSA, LAA, or LBHA will be placed on hold, pending the provider's submission of the Accreditation Certification and Agreement to Cooperate within 90 days of an approved variance. Upon receipt of the Accreditation Certification and signed Agreement to Cooperate, the Behavioral Health Administration's License Unit may issue a license contingent upon whether all necessary documents are submitted accordingly to the provisions outlined in COMAR 10.63 license application process.

A behavioral health provider may not operate after April 1, 2018, without a COMAR 10.63 license, unless the Behavioral Health Administration's Variance Panel has granted the provider a variance that extends beyond the time frame specified in COMAR 10.63.

The link for the COMAR 10.63 license application and for the variance application is:

<https://bha.health.maryland.gov/Pages/Accreditation-Information.aspx>

Questions may be submitted to bha.regulations@maryland.gov.