

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1875

H.P. 1315

House of Representatives, January 3, 2006

An Act To Improve Substance Abuse Rehabilitation Services

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Senator HASTINGS of Oxford and
Representatives: HAMPER of Oxford, HANLEY of Paris.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §20054** is enacted to read:

5 **§20054. Oversight and licensing of treatment facilities and**
6 **programs**

7 **1. Examination.** The office shall periodically enter, inspect and examine an approved treatment facility or treatment program and examine its books, programs, standards, policies and accounts. This examination process must include a review of the requirements to be a community-based service provider pursuant to section 20071. The office shall fix and collect the fees for the inspection and approval and shall maintain a list of approved treatment facilities.

16 Upon request by the office, each approved treatment facility shall provide data, statistics, schedules and information that the office reasonably requires. The director may remove a treatment facility that fails to provide such information from the list of approved treatment facilities.

22 An approved treatment facility may not refuse inspection or examination by the office under this section.

26 Procedures to revoke the approval of any approved treatment facility or to refuse approval of any treatment facility are governed by the Maine Administrative Procedure Act.

30 **2. Licensing certain clinics.** In licensing substance abuse clinics that administer or distribute pharmaceuticals on site, the office shall apply additional requirements to the operation of such clinics and to the licensing procedure for such clinics. The office shall adopt routine technical rules as defined in chapter 375, subchapter 2-A to ensure these requirements are met. These additional requirements must include the following:

38 A. The office when issuing a license shall consider the need for such a clinic in the area where the license is sought. The license may only be issued when the 4-year assessment required under section 20009 indicates that there is a clear, substantiated need for a treatment clinic in the area to be served by the clinic; and

44 B. When a person, agency or corporation, whether for profit or not for profit, makes application to the office for a license, the office shall, within 5 working days, notify the municipal clerk in the municipality in which the clinic is proposed to be operated. The office shall work with the municipality to establish a local advisory committee that

2 must consist of a representative from the office and a
4 representative from the proposed clinic. The committee also
6 must include 2 municipal officials, a police officer from
8 the municipality if the municipality has a police force, a
10 physician living or practicing in the area but not
12 affiliated with the clinic, 2 residents from the
14 municipality and one resident from the neighborhood in which
16 the clinic is to be located, all to be appointed by the
 municipal officers. The advisory committee shall receive
 information from and provide input to the office during the
 licensing process. The advisory committee must continue as
 a standing committee, which shall meet at least twice each
 year to review clinic operations and any concerns in the
 community. The advisory committee shall develop bylaws to
 ensure perpetuation of the advisory committee and manage the
 advisory committee functions.

18 **Sec. 2. Rules.** The Department of Health and Human Services,
20 Office of Substance Abuse shall revise its rules as follows.

22 1. The Department of Health and Human Services, Office of
24 Substance Abuse shall revise its rules to require additional
26 counseling for all patients undergoing methadone treatment.
28 Counseling must include intensive counseling during the first 3
30 months of treatment and may taper as treatment progresses.
32 Counseling may be provided by a clinic or by a 3rd party, with
34 the cost of counseling being the responsibility of the clinic.
 The Office of Substance Abuse shall adopt rules for the
 communication of information between any such 3rd party and the
 clinic. Further, the clinic shall work with such other health,
 counseling, social service, rehabilitation, housing and
 employment agencies needed to ensure to the maximum extent
 possible successful treatment of patients' addictions and
 participation in the community.

36 2. The Office of Substance Abuse shall revise its rules to
38 require more physician oversight of patients undergoing methadone
40 treatment. During the first 90 days of treatment, patient
42 contact with the physician must be adequate to ensure that the
44 physician is familiar with the physical and psychological
 condition of the patient and that the physician obtains firsthand
 knowledge of the patient's status and potential for successful
 treatment. Physician oversight must be performed by a physician
 licensed and residing in this State.

46 3. The Office of Substance Abuse shall revise its rules to
48 require a security officer on site during all hours of clinic
 operation during the first 2 years of operation. Subsequent to
 the first 2 years of operation, the Office of Substance Abuse may

2 require a security officer if considered necessary or appropriate
by the advisory committee established pursuant to the Maine
4 Revised Statutes, Title 5, section 20054, subsection 2, paragraph
B.

6 **Sec. 3. Moratorium.** The Department of Health and Human
Services, Office of Substance Abuse may not issue a license for a
8 substance abuse clinic that administers or distributes
pharmaceuticals on site until it revises its rules as provided in
10 this Act.

12

SUMMARY

14

This bill provides improved services to persons in
16 rehabilitation programs, especially those related to opiate
addiction, by providing improved counseling, physician oversight
18 and community support. The bill directs the Department of Health
and Human Services, Office of Substance Abuse to evaluate need
20 when issuing licenses for substance abuse clinics and to create a
process to involve the local community in the licensing process.
22 The bill establishes local advisory committees to advise the
Office of Substance Abuse during the licensing process for such
24 clinics and to review the operation of the clinics. The bill
establishes a moratorium on licensing such clinics until certain
26 rule changes are made.