

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)

M
R & S.

L.D. 1585

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

DATE: June 28, 1995 (Filing No. S-365)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A " to S.P. 600, L.D. 1585, Bill, "An Act Regarding Narcotic Dependency"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 5 MRSA §§20052 and 20053 are enacted to read:

§20052. Long-term methadone and other narcotic drug detoxification and maintenance treatment

Beginning on the date of commencement of treatment under the Long-term Narcotic Dependency Treatment Project authorized under section 20053 long-term methadone and other narcotic drug detoxification and maintenance treatment of narcotic-dependent persons is prohibited except as authorized under section 20053.

§20053. Long-term Narcotic Dependency Treatment Project

1. Treatment project established. The Department of Human Services and the Office of Substance Abuse shall apply for waivers from the federal Department of Health and Human Services to undertake a 3-year demonstration project on long-term methadone and other narcotic drug detoxification and maintenance treatment for narcotic-dependent persons, referred to in this section as the "treatment project." The treatment project must commence as close as possible to October 15, 1995.

2. Purpose. The Legislature finds that there is a need to study long-term methadone and other narcotic drug detoxification

SENATE AMENDMENT

R & S.

SENATE AMENDMENT "A" to S.P. 600, L.D. 1585

2 and maintenance treatment for narcotic-dependent persons. The
3 purpose of the treatment project is to study the treatment needs
4 of narcotic-dependent people in this State and the efficacy, cost
5 and impact on this State of long-term methadone and other
6 narcotic drug detoxification and maintenance treatment.

7 3. Project limitation. Participation in the project is
8 limited to 300 clients at any one time receiving long-term
9 methadone and other narcotic drug detoxification and maintenance
10 treatment for narcotic dependency, of whom a maximum of 100 at
11 any one time may receive the treatment under reimbursement from
12 the Medicaid program. Clients of a treatment program that is
13 licensed in the State who are receiving methadone or other
14 narcotic drug detoxification or maintenance treatment on the date
15 of the commencement of the treatment project have priority as
16 clients under the treatment project. Treatment under the
17 treatment project for persons receiving reimbursement under the
18 Medicaid program must be cost-neutral or result in savings to the
19 Medicaid program.

20 4. Treatment programs. Treatment under the treatment
21 project may be provided by no more than 2 long-term methadone and
22 other narcotic drug detoxification and maintenance programs, each
23 of which must operate from one location. Each treatment program
24 must be approved for participation in the treatment project by
25 the Department of Human Services and the Office of Substance
26 Abuse. Treatment programs licensed in this State on July 1, 1995
27 have priority as treatment programs under the treatment project.

28 5. Rulemaking. In order to protect the public health and
29 safety and allow effective administration and evaluation of the
30 treatment project, the Department of Human Services and the
31 Office of Substance Abuse shall adopt rules for long-term
32 methadone and other narcotic drug detoxification or maintenance
33 treatment taking into consideration issues of best medical
34 practice, individual client needs, the role of clinical judgment
35 in determining services and the cost of providing services. The
36 Office of Substance Abuse shall work cooperatively with
37 interested persons in this State pursuant to the Maine
38 Administrative Procedure Act, including existing licensed
39 methadone treatment programs, in developing the rules.
40 Rulemaking must address the following:

41 A. License conditions for treatment programs, including,
42 but not limited to, certification of staff persons, safety
43 standards and management policies;

44 B. Guidelines and treatment protocols for treatment
45 programs that incorporate the standards contained in section
46 20043 and are compatible with but no more stringent than the

2 applicable federal treatment regulations and guidelines,
3 including, but not limited to, treatment program admission
4 criteria. The guidelines and treatment protocols must
5 reflect best medical practice and phases of treatment but
6 may not impose uniform treatment standards for clients that
7 interfere with the medical discretion of the medical
8 director acting in accordance with recognized, prevailing
9 medical standards, regarding individual client treatment.
10 The guidelines and treatment protocols may not cause
11 unreasonable increases in cost unless necessary to protect
12 the public health and safety;

13 C. Standards for the distribution of scheduled or
14 prescription drugs and controlled substances and for the
15 security of these drugs and controlled substances consistent
16 with the rules adopted by the Board of Commissioners of the
17 Profession of Pharmacy, including, but not limited to, the
18 use of identifiable containers in dispensing the drugs and
19 controlled substances;

20 D. Procedures for the immediate disclosure to regulatory
21 and law enforcement authorities by treatment programs of any
22 lost, missing, stolen or diverted scheduled or prescription
23 drugs or controlled substances;

24 E. Standards for evaluating the effectiveness of long-term
25 methadone and other narcotic drug dependency detoxification
26 and maintenance treatment and the treatment project; and

27 F. Periodic review of the treatment programs to ensure
28 compliance with the requirements of the treatment project
29 and assist in the evaluation performed pursuant to
30 subsection 9, using the standards for evaluation adopted
31 pursuant to paragraph E, by a clinical review team of
32 professionals and a multidisciplinary advisory group
33 appointed by the Office of Substance Abuse, both of which
34 groups must include individuals with expertise in methadone
35 detoxification and maintenance.

36 6. Investigation; inspection. In addition to entities
37 authorized to investigate and inspect pursuant to Title 32,
38 section 13723, the Department of Human Services and the Office of
39 Substance Abuse may investigate and inspect the premises of
40 treatment programs and require the production of information to
41 determine compliance with applicable law and rules. As a
42 condition of receiving treatment under the treatment project, all
43 clients must sign waivers of confidentiality, which enable access
44 to and use of treatment program and patient records for the
45 purposes of listing in a central registry, program oversight and
46 monitoring, enforcement of license and certification requirements
47 and
48 and
49 and
50 and

R of S.

SENATE AMENDMENT "A" to S.P. 600, L.D. 1585

2 and other law enforcement activities to the extent consistent
3 with federal law protecting confidentiality under 42 United
4 States Code, Section 290dd-2 (1995) and implementing regulations,
5 as amended.

6 7. Employees. Except as authorized by the Director of the
7 Office of Substance Abuse, a person may not be employed by or
8 contract with a treatment program in a capacity in which that
9 person handles or has access to scheduled or prescription drugs
10 or controlled substances if that person has been convicted of a
11 felony or an offense related to the possession, use, sale or
12 distribution of scheduled or prescription drugs or controlled
13 substances under Title 17-A, chapter 45, or under any law of
14 another jurisdiction.

15 8. Criminal record checks. The treatment programs must
16 perform criminal record checks of all potential and current
17 employees, contractors and volunteers to ensure adherence to the
18 requirements of subsection 7. The treatment programs shall pay
19 for these record checks.

20 9. Planning; evaluation. The Department of Human Services
21 and the Office of Substance Abuse shall consult with the Center
22 for Substance Abuse Treatment of the federal Department of Health
23 and Human Services and representatives of the medical and
24 substance abuse treatment field to design and implement the
25 treatment project and to evaluate the effectiveness of the
26 treatment programs and the treatment project. Indices for
27 evaluation may include, but are not limited to, reduced drug
28 dependency, work force participation, impact on law enforcement
29 and cost effectiveness.

30 10. Reports. The Department of Human Services and the
31 Office of Substance Abuse shall submit reports to the joint
32 standing committee of the Legislature having jurisdiction over
33 human resource matters annually beginning on or before January
34 31, 1996 and at the end of the treatment project. The reports
35 must include the levels of participation and status of the
36 treatment project, the indices of evaluation developed pursuant
37 to subsection 9, the treatment needs of narcotic-dependent people
38 in this State and the efficacy, cost and impact on this State of
39 long-term methadone and other narcotic drug detoxification and
40 maintenance treatment.'

41 Further amend the bill by inserting at the end before the
42 statement of fact the following:
43
44
45
46

R. & S.

2

FISCAL NOTE

4

The Department of Human Services and the Office of Substance Abuse within the Executive Department will incur some minor additional costs to seek approval for a home and community-based waiver for the treatment project. These costs can be absorbed within the respective agencies' existing budgeted resources.

6

8

10

The bill requires that the project be cost neutral or generate savings to the Medicaid program. The additional costs and additional savings to the two agencies, by program, can not be determined at this time and will depend on federal approval and on the specific eligibility and treatment standards that are adopted. The net impacts on the individual programs within the two agencies are not expected to be significant.

12

14

16

18

This bill may increase prosecutions for Class B and Class C crimes. Sentences of more than twelve months imposed for Class B and Class C crimes must be served in a state correctional institution. The cost to the State per sentence is \$81,101 based upon an average length of stay of 2 years and 11 months. The State also must reimburse counties for sentences served in county jails of twelve months or less for Class B and Class C crimes.

20

22

24

26

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.22 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

28

30

32

The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

34

36

38

40

42

STATEMENT OF FACT

44

This amendment changes the bill as follows.

46

1. The bill prohibits long-term methadone and other narcotic drug detoxification and maintenance treatment of narcotic-dependent individuals on October 15, 1995. The amendment changes the date of that prohibition to the date of the

48

50

R. & S.

SENATE AMENDMENT "A" to S.P. 600, L.D. 1585

2 commencement of the Long-term Narcotic Dependency Treatment
Project. It provides that the treatment project shall commence
as closely as possible to October 15, 1995.

4
6 2. The amendment requires treatment guidelines and
protocols to reflect best medical practice and phases of
treatment and prohibits the guidelines and protocols from
8 imposing uniform treatment standards that interfere with the
medical discretion of the medical director regarding individual
10 client treatment. It prohibits guidelines and protocols from
being more stringent than federal guidelines and protocols and
12 prohibits the guidelines and protocols from causing unreasonable
cost increases unless necessary to protect the public health and
14 safety. It allows license conditions for treatment programs
concerning certification of staff persons, safety standards and
16 management policies.

18 3. It deletes the requirement that treatment programs
maintain toll-free telephone lines to verify whether a person's
20 possession of drugs is in compliance with the law.

22 4. It adds entities that are currently authorized to
investigate and inspect drug outlets and wholesalers of drugs to
24 those authorized to investigate and inspect the premises of the
treatment programs.

26
28 5. It requires the Department of Human Services and the
Office of Substance Abuse to consult with the federal Department
of Health and Human Services and representatives of the medical
30 and substance abuse treatment fields to design and implement the
treatment project and to evaluate the effectiveness of the
32 treatment programs and the treatment project.

34 6. It requires the Department of Human Services and the
Office of Substance Abuse to adopt rules concerning procedures
36 for the immediate disclosure to regulatory and law enforcement
authorities by treatment programs of any lost, missing, stolen or
38 diverted scheduled or prescription drugs or controlled substances.

40 7. It changes the report dates to on or before January 31st
annually and after the close of the project. It requires that
42 all reports cover the indices of evaluation developed pursuant to
the amendment, the levels of participation and status of the
44 treatment project, the treatment needs of narcotic dependent

R of S.

SENATE AMENDMENT "A" to S.P. 600, L.D. 1585

2
4
6
8
10
12
14

persons in the State and the efficacy, costs and impact on the State of long-term methadone and other narcotic drug detoxification and maintenance treatment.

8. It adds a fiscal note to the bill.

SPONSORED BY: 

(Senator PENDEXTER)

COUNTY: Cumberland