

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 959

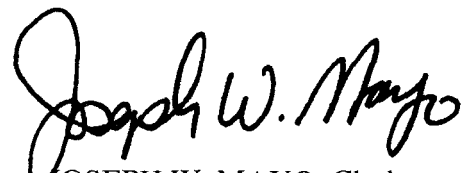
H.P. 692

House of Representatives, February 4, 1999

**An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.  
Cosponsored by Senator MITCHELL of Penobscot and  
Representatives: BRAGDON of Bangor, BROOKS of Winterport, COLWELL of Gardiner,  
KANE of Saco, MAYO of Bath, SNOWE-MELLO of Poland, Senator: PARADIS of  
Aroostook.

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

4 **Sec. 1. 34-B MRSA §1208, sub-§6, ¶A, as enacted by PL 1989, c.**  
432, is amended to read:

6 A. The stability of the provider system by setting forth  
7 the causes-~~for~~-which reasons that constitute good cause for  
8 placing existing services ~~may be placed~~ out for competitive  
9 bid and procedures that provide no less than 90 days notice  
10 to existing providers before the issuance of a request for  
11 proposals and opportunity to appeal. Good cause to place  
12 existing services out to competitive bid includes failure of  
13 the current provider to adhere to program, policy or  
14 performance criteria, to correct deficiencies, to improve  
15 services or to reduce costs in a manner reasonably requested  
16 by the department; repeated substantiated complaints  
17 involving violations of rights of consumers, a material  
18 change in circumstances that may affect the current  
19 provider's ability to provide services or other reasonable  
20 causes as provided by regulation;

22 **SUMMARY**

24 This bill requires the Department of Mental Health, Mental  
25 Retardation and Substance Abuse Services to make a determination  
26 that good cause exists prior to placing existing services out to  
27 competitive bid. Good cause is defined to include the failure of  
28 the current provider to adhere to program, policy or performance  
29 criteria, to correct deficiencies, to improve services or to  
30 reduce costs, repeated and substantiated complaints against the  
31 provider, a material change in circumstances or other reasonable  
32 causes as provided by regulation. The bill also requires the  
33 department to give providers of existing services 90 days notice  
34 prior to issuance of a request for proposals.