

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1170

S.P. 418

March 7, 2007

An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.

Cosponsored by Representative VALENTINO of Saco and Senators: President EDMONDS of Cumberland, WESTON of Waldo, Representatives: CAMPBELL of Newfield, Speaker CUMMINGS of Portland, LEWIN of Eliot.

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

2 **Sec. 1. 5 MRSA §20024, first ¶**, as amended by PL 1991, c. 850, §5, is further
3 amended to read:

4 The Except as otherwise provided in this section, the office shall periodically enter,
5 inspect and examine a treatment facility or program and examine its books, programs,
6 standards, policies and accounts. This examination process must include a review of the
7 requirements to be a community-based service provider pursuant to subchapter ~~4~~ 5. The
8 office shall fix and collect the fees for the inspection and certification and shall maintain
9 a list of approved public and private treatment facilities.

10 **Sec. 2. 5 MRSA §20024**, as amended by PL 1991, c. 601, §19 and c. 850, §5, is
11 further amended by adding at the end a new paragraph to read:

12 Treatment facilities and programs that receive and maintain accreditation from a
13 nationally recognized accrediting body may obtain the certificate of approval pursuant to
14 section 20005, subsection 6 by submitting documentation of such accreditation to the
15 office along with applicable fees. Upon receipt of the documentation of accreditation and
16 fees, the office shall issue a certificate of approval and include such accredited facilities
17 or programs on any list of approved facilities and programs maintained by the office. The
18 office may not inspect or examine the accredited facilities or programs that have received
19 a certificate of approval unless there is a critical incident that warrants investigation.
20 Notwithstanding a program's or facility's maintenance of accreditation, the office may
21 withdraw the certificate of approval and remove a facility or program from the office's
22 list of approved facilities and programs for failure to provide data, statistics, schedule or
23 other information reasonably required by the office or for findings resulting from the
24 investigation of a critical incident.

25 **Sec. 3. 22 MRSA §7801, sub-§6** is enacted to read:

26 **6. Approved and licensed by accreditation.** A person, firm, corporation or
27 association operating a program or facility that receives and maintains accreditation from
28 a nationally recognized accrediting body may obtain a license required pursuant to
29 subsection 1 by submitting documentation of such accreditation to the department along
30 with any applicable fees. Upon receipt of the documentation of accreditation and fees, the
31 department shall issue a written license and include the accredited program or facility on
32 any list of approved and licensed programs and facilities maintained by the department.
33 The department may not inspect or examine the accredited programs or facilities unless
34 there is a critical incident that warrants investigation. Notwithstanding a program's or
35 facility's maintenance of accreditation, the department may withdraw the approved
36 license and remove a program or facility from the department's list of approved programs
37 and facilities for findings resulting from the investigation of a critical incident.

38 **Sec. 4. 34-B MRSA §1203-A, sub-§8** is enacted to read:

39 **8. Approved and licensed by accreditation.** An agency or facility required to
40 obtain a license under this section that receives and maintains accreditation by a

1 nationally recognized accrediting body may obtain a full license by submitting
2 documentation of such accreditation to the commissioner along with applicable fees.
3 Upon receipt of the documentation of accreditation and fees, the commissioner shall issue
4 a full license to the agency or facility and include the accredited agency or facility on any
5 list of fully licensed agencies and facilities maintained by the department. The
6 commissioner may not inspect or examine the accredited agency or facility unless there is
7 a critical incident that warrants investigation. Notwithstanding an agency's or facility's
8 maintenance of accreditation, the commissioner may withdraw the full license, change
9 the license status to conditional or provisional and remove an agency or facility from the
10 commissioner's list of approved agencies or facilities for findings resulting from the
11 investigation of a critical incident.

12 **SUMMARY**

13 This bill requires the Department of Health and Human Services to approve and
14 license substance abuse treatment, child and adult welfare and behavioral health agencies,
15 programs and facilities that receive and maintain accreditation by nationally recognized
16 accrediting bodies. The department shall include such an agency, program or facility on
17 any list of approved and licensed agencies, programs and facilities maintained by the
18 department. The agencies, programs and facilities that have been approved and licensed
19 are not subject to inspection or examination by the department unless there is a critical
20 incident that warrants investigation. Notwithstanding a substance abuse treatment
21 program's or facility's maintenance of accreditation, the department may revoke the
22 certificate of approval and remove a treatment program or facility from the department's
23 list of approved programs and facilities for failure to provide data, statistics, schedules
24 and other information reasonably required by the department pursuant to the Maine
25 Revised Statutes, Title 5, section 20024. All agencies, programs and facilities may have
26 approval and licensing revoked or modified by the department for findings resulting from
27 the investigation of a critical incident.