

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1281

S.P. 462

In Senate, March 31, 2009

An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

Cosponsored by Representatives: CAMPBELL of Newfield, EVES of North Berwick, JONES of Mount Vernon, JOY of Crystal, PETERSON of Rumford, SANBORN of Gorham, STUCKEY of Portland.

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 ¶ 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. 850, §5, is further amended
11 by adding at the end a new paragraph to read:

12 A treatment facility or program that receives and maintains 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 that 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 the accredited facility or
17 program on any list of approved facilities and programs maintained by the office.
18 Notwithstanding a program's or facility's maintenance of accreditation, the office may
19 withdraw the certificate of approval and remove a facility or program from the office's
20 list of approved facilities and programs for failure to provide data, statistics, schedule or
21 other information reasonably required by the office or for findings resulting from the
22 investigation of a critical incident.

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

24 **6. Approved and licensed by accreditation.** A person, firm, corporation or
25 association operating a program or facility that receives and maintains accreditation from
26 a nationally recognized accrediting body may obtain a license required pursuant to
27 subsection 1 by submitting documentation of such accreditation to the department along
28 with any applicable fees. Upon receipt of the documentation of accreditation and fees,
29 the department shall issue a written license and include the accredited program or facility
30 on any list of approved and licensed programs and facilities maintained by the
31 department. Notwithstanding a program's or facility's maintenance of accreditation, the
32 department may withdraw the license and remove a program or facility from the
33 department's list of approved programs and facilities for findings resulting from the
34 investigation of a critical incident.

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

36 **8. Approved and licensed by accreditation.** An agency or facility required to
37 obtain a license under this section that receives and maintains accreditation by a
38 nationally recognized accrediting body may obtain a full license by submitting
39 documentation of such accreditation to the commissioner along with applicable fees.
40 Upon receipt of the documentation of accreditation and fees, the commissioner shall issue

1 a full license to the agency or facility and include the accredited agency or facility on any
2 list of fully licensed agencies and facilities maintained by the department.
3 Notwithstanding an agency's or facility's maintenance of accreditation, the commissioner
4 may withdraw the full license, change the license status to conditional or provisional and
5 remove an agency or facility from the commissioner's list of approved agencies or
6 facilities for findings resulting from the investigation of a critical incident.

7 **Sec. 5. Nationally recognized accrediting body; rulemaking.** For purposes
8 of the Maine Revised Statutes, Title 5, section 20024, Title 22, section 7801, subsection
9 6, and Title 34-B, section 1203-A, subsection 8, a "nationally recognized accrediting
10 body" means the Joint Commission, the Commission on Accreditation of Rehabilitation
11 Facilities or the Council on Accreditation of Services for Families and Children. The
12 Department of Health and Human Services may adopt rules to designate additional
13 entities as nationally recognized accrediting bodies. Rules adopted pursuant to this
14 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

15 SUMMARY

16 The purpose of this bill is to increase the efficiency and effectiveness of licensing
17 behavioral health providers by requiring the Department of Health and Human Services
18 to approve and license substance abuse treatment, child and adult welfare and behavioral
19 health agencies, programs and facilities that receive and maintain accreditation by
20 nationally recognized accrediting bodies. The department shall include such an agency,
21 program or facility on any list of approved and licensed agencies, programs and facilities
22 maintained by the department. Notwithstanding an agency's, program's or facility's
23 maintenance of accreditation, the department may revoke the certificate of approval and
24 remove a treatment program or facility from the department's list of approved programs
25 and facilities for failure to provide data, statistics, schedules and other information
26 reasonably required by the department pursuant to the Maine Revised Statutes, Title 5,
27 section 20024. All agencies, programs and facilities may have approval and licensing
28 revoked or modified by the department for findings resulting from the investigation of a
29 critical incident.