

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 759

H.P. 566

House of Representatives, March 1, 2011

**An Act To Increase Efficiency and Effectiveness in the Licensing of
Certain Health and Human Services Providers**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: FOSSEL of Alna, MALABY of Hancock, O'CONNOR of Berwick,
PETERSON of Rumford, SANBORN of Gorham, SIROCKI of Scarborough, STUCKEY of
Portland, Senator: PATRICK of Oxford.

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 as determined by the office may obtain a
14 certificate of approval pursuant to section 20005, subsection 6 by submitting
15 documentation of that accreditation to the office along with any applicable fees. Upon
16 receipt of the documentation of accreditation and any fees, the office shall issue a
17 certificate of approval to the facility or program and include the accredited facility or
18 program on any list of approved facilities and programs maintained by the office.
19 Notwithstanding a facility's or program's maintenance of accreditation, the office may
20 withdraw the certificate of approval and remove the facility or program from the office's
21 list of approved facilities and programs for failure to provide data, statistics, schedules or
22 other information reasonably required by the office or for findings resulting from the
23 investigation of an incident.

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

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

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

38 **8. Approved and licensed by accreditation.** An agency or facility required to
39 obtain a license under this section that receives and maintains accreditation from a
40 nationally recognized accrediting body as determined by the commissioner may obtain a

1 full license by submitting documentation of that accreditation to the commissioner along
2 with any applicable fees. Upon receipt of the documentation of accreditation and any
3 fees, the commissioner shall issue a full license to the agency or facility and include the
4 accredited agency or facility on any list of fully licensed agencies and facilities
5 maintained by the commissioner. Notwithstanding an agency's or facility's maintenance
6 of accreditation, the commissioner may withdraw the full license, change the license
7 status to conditional or provisional and remove the agency or facility from the
8 commissioner's list of approved agencies and facilities for findings resulting from the
9 investigation of an incident.

10 **SUMMARY**

11 This bill requires the Department of Health and Human Services to approve and
12 license substance abuse treatment, child and adult welfare and behavioral health agencies,
13 programs and facilities that receive and maintain accreditation by nationally recognized
14 accrediting bodies. The Department of Health and Human Services is required to include
15 the agency, program or facility on any list of approved and licensed agencies, programs
16 and facilities maintained by the department. Notwithstanding an agency's, program's or
17 facility's maintenance of accreditation, the Department of Health and Human Services
18 may revoke the certificate of approval and remove a substance abuse treatment program
19 or facility from the department's list of approved programs and facilities for failure to
20 provide data, statistics, schedules or other information reasonably required by the
21 department or revoke or modify any agency's, program's or facility's license for findings
22 resulting from the investigation of an incident.