

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1417

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H.P. 913

House of Representatives, March 30, 2023

**An Act Regarding State Review of Compliance with Licensing Rules  
of Certain Facilities and Programs Having National Accreditation**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senator INGWERSEN of York and  
Representatives: MADIGAN of Waterville, MATHIESON of Kittery, SACHS of Freeport,  
SHAGOURY of Hallowell, STOVER of Boothbay, ZAGER of Portland, Senators: BAILEY of  
York, TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 5 MRSA §20024, last ¶**, as enacted by PL 2011, c. 145, §1, is amended to  
3 read:

4 A treatment facility or program that receives and maintains accreditation from a  
5 national accrediting body approved by the department ~~must be deemed in~~ is exempt from  
6 department inspection for compliance with comparable state licensing laws or rules upon  
7 its submission to the department of written evidence of compliance including, but not  
8 limited to, national accreditation approval, reports, findings and responses. The department  
9 may review compliance under this paragraph a copy of the national accrediting body's  
10 survey findings together with any statement of deficiencies and the final plan of correction  
11 accepted by the national accrediting body for any identified deficiencies. The survey  
12 findings, statement of deficiencies and final plan of correction submitted pursuant to this  
13 paragraph are confidential. The provisions of this paragraph do not exempt a treatment  
14 facility or program from inspection by the department in response to a complaint against  
15 the treatment facility or program.

16 **Sec. 2. 22 MRSA §7801, sub-§6**, as amended by PL 2021, c. 532, §1, is further  
17 amended to read:

18 **6. National accreditation.** A person, firm, corporation or association operating a  
19 program or facility described under subsection 1 that receives and maintains accreditation  
20 from a national accrediting body approved by the department ~~may be determined by the~~  
21 ~~department to be in~~ is exempt from department inspection for compliance with ~~comparable~~  
22 state licensing laws or rules upon its submission to the department of ~~written evidence of~~  
23 ~~compliance including, but not limited to, national accreditation approval, reports, findings~~  
24 ~~and responses. The department may review compliance under this subsection a copy of the~~  
25 national accrediting body's survey findings together with any statement of deficiencies and  
26 the final plan of correction accepted by the national accrediting body for any identified  
27 deficiencies. The survey findings, statement of deficiencies and final plan of correction  
28 submitted pursuant to this subsection are confidential. The provisions of this subsection  
29 do not exempt a person, firm, corporation or association from inspection by the department  
30 in response to a complaint against the program or facility person, firm, corporation or  
31 association.

32 **Sec. 3. 34-B MRSA §1203-A, sub-§8**, as enacted by PL 2011, c. 145, §3, is  
33 amended to read:

34 **8. National accreditation.** An agency or facility required to obtain a license under  
35 this section that receives and maintains accreditation from a national accrediting body  
36 approved by the department ~~must be deemed in~~ is exempt from department inspection for  
37 compliance with comparable state licensing laws or rules upon its submission to the  
38 department of written evidence of compliance including, but not limited to, national  
39 accreditation approval, reports, findings and responses. The department may review  
40 compliance under this subsection a copy of the national accrediting body's survey findings  
41 together with any statement of deficiencies and the final plan of correction accepted by the  
42 national accrediting body for any identified deficiencies. The survey findings, statement  
43 of deficiencies and final plan of correction submitted pursuant to this subsection are  
44 confidential. The provisions of this subsection do not exempt an agency or facility required

1 to obtain a license under this section from inspection by the department in response to a  
2 complaint against the agency or facility.

3 **Sec. 4. Department of Health and Human Services rules; entities exempt**  
4 **from department compliance inspection.** The Department of Health and Human  
5 Services shall approve by rule the Joint Commission, the Commission on Accreditation of  
6 Rehabilitation Facilities and Social Current as national accrediting bodies for the purpose  
7 of exempting entities from department inspection for compliance with state licensing laws  
8 or rules pursuant to the Maine Revised Statutes, Title 5, section 20024; Title 22, section  
9 7801, subsection 6; and Title 34-B, section 1203-A, subsection 8. Rules adopted pursuant  
10 to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### 11 SUMMARY

12 This bill amends the laws regarding licensing of certain facilities and programs,  
13 including substance use disorder treatment facilities and programs, facilities for children  
14 and adults and agencies or facilities providing mental health services, to provide that if such  
15 a facility or program receives and maintains accreditation from a national accrediting body,  
16 it is exempt from Department of Health and Human Services inspection for compliance  
17 with state licensing laws and rules under certain circumstances. The bill requires the  
18 department to approve by rule the Joint Commission, the Commission on Accreditation of  
19 Rehabilitation Facilities and Social Current as national accrediting bodies for the purpose  
20 of exempting entities from such inspection.