

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

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

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

SUMMARY

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