



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 80

H.P. 66

House of Representatives, January 15, 2019

An Act To Create the Department of Substance Use Disorder Services

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.

Cosponsored by Representative BRENNAN of Portland, Senator HERBIG of Waldo and Representatives: ALLEY of Beals, COREY of Windham, CRAVEN of Lewiston, HANDY of Lewiston, Senators: CHIPMAN of Cumberland, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 2 MRSA §6, sub-§1**, as amended by PL 2011, c. 657, Pt. Y, §1, is further
3 amended to read:

4 **1. Range 91.** The salaries of the following state officials and employees are within
5 salary range 91:

- 6 Commissioner of Transportation;
- 7 Commissioner of Agriculture, Conservation and Forestry;
- 8 Commissioner of Administrative and Financial Services;
- 9 Commissioner of Education;
- 10 Commissioner of Environmental Protection;
- 11 Executive Director of Dirigo Health;
- 12 Commissioner of Public Safety;
- 13 Commissioner of Professional and Financial Regulation;
- 14 Commissioner of Labor;
- 15 Commissioner of Inland Fisheries and Wildlife;
- 16 Commissioner of Marine Resources;
- 17 Commissioner of Corrections;
- 18 Commissioner of Economic and Community Development;
- 19 Commissioner of Defense, Veterans and Emergency Management; ~~and~~
- 20 Executive Director, Workers' Compensation Board; and
- 21 Commissioner of Substance Use Disorder Services.

22 **Sec. 2. 5 MRSA §20002, sub-§2**, as amended by PL 2017, c. 407, Pt. A, §12, is
23 further amended to read:

24 **2. Coordination of activities and services.** To establish within the Department of
25 ~~Health and Human~~ Substance Use Disorder Services the responsibility for planning,
26 developing, implementing, coordinating and evaluating all of the State's substance use
27 disorder prevention and treatment activities and services;

28 **Sec. 3. 5 MRSA §20002-A** is enacted to read:

29 **§20002-A. Department of Substance Use Disorder Services established**

30 The Department of Substance Use Disorder Services is established as a cabinet-level
31 department.

32 **Sec. 4. 5 MRSA §20003, sub-§3-B**, as amended by PL 2011, c. 657, Pt. AA, §9,
33 is further amended to read:

1 **3-B. Commissioner.** "Commissioner" means the Commissioner of ~~Health and~~
2 ~~Human~~ Substance Use Disorder Services.

3 **Sec. 5. 5 MRSA §20003, sub-§6**, as amended by PL 2011, c. 657, Pt. AA, §10, is
4 further amended to read:

5 **6. Department.** "Department" means the Department of ~~Health and Human~~
6 ~~Substance Use Disorder Services~~.

7 **Sec. 6. 5 MRSA §20005, sub-§14-A** is enacted to read:

8 **14-A. Cooperation with the Department of Health and Human Services.**
9 Establish cooperative or contractual relationships with offices within the Department of
10 Health and Human Services that provide services to individuals with substance use
11 disorder including but not limited to services under Medicaid, programs for individuals
12 without insurance and licensing, prevention or planning services and programs;

13 **Sec. 7. 5 MRSA §20006-A, sub-§3**, as amended by PL 2011, c. 657, Pt. AA,
14 §23, is further amended to read:

15 **3. Other duties and powers.** Carry out other duties and exercise other powers
16 granted to the commissioner under this Act ~~and under Title 22-A, section 207, subsection~~
17 ~~3~~.

18 **Sec. 8. 5 MRSA §20023**, as amended by PL 2017, c. 407, Pt. A, §35, is further
19 amended to read:

20 **§20023. Education**

21 To the fullest extent possible, the Commissioner of Education shall coordinate all
22 elementary and secondary school substance use disorder education programs
23 administered by the Department of Education and funded under the federal Drug-Free
24 Schools and Communities Act of 1986 with programs administered by the Department of
25 Health and Human Services and the Department of Substance Use Disorder Services.
26 The Commissioner of Education shall participate in planning, budgeting and evaluation
27 of substance use disorder programs and ensure that substance use disorder education
28 programs administered by the Department of Education that involve any community
29 participation are coordinated with available treatment services.

30 Nothing in this section interferes with the authority of the Department of Education to
31 receive and allocate federal funds under the federal Drug-Free Schools and Communities
32 Act of 1986.

33 **Sec. 9. 22-A MRSA §201, sub-§2-A, ¶C**, as amended by PL 2017, c. 407, Pt. A,
34 §89, is further amended to read:

35 C. Integrated services responsibilities, including but not limited to:

- 36 (1) Adult and elder services, including but not limited to aging, ~~substance use~~
37 ~~disorder~~, mental health and disability services;

1 (2) Child and family services responsibilities, including but not limited to child
2 welfare, children's behavioral health and early childhood services; and

3 (3) Regional operations.

4 **Sec. 10. 22-A MRSA §203, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §90,
5 is further amended to read:

6 **1. Programs and services for adults, children and families.** The department shall
7 provide adults, children and families with the following programs and services:

8 A. Economic assistance and employment support services;

9 B. Mental health and behavioral health services;

10 C. Developmental disability services;

11 D. Physical health services; and

12 E. Public health services; ~~and~~

13 F. ~~Substance use disorder prevention and treatment services.~~

14 **Sec. 11. 22-A MRSA §206, sub-§8**, as amended by PL 2017, c. 407, Pt. A, §91,
15 is repealed.

16 **Sec. 12. 22-A MRSA §207, sub-§7**, as amended by PL 2017, c. 407, Pt. A, §92,
17 is further amended to read:

18 **7. Contracts with health care servicing entities.** The commissioner may enter into
19 contracts with health care servicing entities for the financing, management and oversight
20 of the delivery of mental health, and adult developmental ~~and substance use disorder~~
21 services to clients pursuant to a state or federally sponsored health program in which the
22 department participates or that the department administers. For the purposes of this
23 subsection, "health care servicing entity" means a partnership, association, corporation,
24 limited liability company or other legal entity that enters into a contract with the State to
25 provide or arrange for the provision of a defined set of health care services; to assume
26 responsibility for some aspects of quality assurance, utilization review, provider
27 credentialing and provider relations or other related network management functions; and
28 to assume financial risk for provision of such services to clients through capitation
29 reimbursement or other risk-sharing arrangements. "Health care servicing entity" does
30 not include insurers or health maintenance organizations. In contracting with health care
31 servicing entities, the commissioner:

32 A. Shall include in all contracts with the health care servicing entities standards,
33 developed in consultation with the Superintendent of Insurance, to be met by the
34 contracting entity in the areas of financial solvency, quality assurance, utilization
35 review, network sufficiency, access to services, network performance, complaint and
36 grievance procedures and records maintenance;

37 B. Prior to contracting with any health care servicing entity, must have in place a
38 memorandum of understanding with the Superintendent of Insurance for the
39 provision of technical assistance, which must provide for the sharing of information

1 between the department and the superintendent and the analysis of that information
2 by the superintendent as it relates to the fiscal integrity of the contracting entity;

3 C. May require periodic reporting by the health care servicing entity as to activities
4 and operations of the entity, including the entity's activities undertaken pursuant to
5 commercial contracts with licensed insurers and health maintenance organizations;

6 D. May share with the Superintendent of Insurance all documents filed by the health
7 care servicing entity, including documents subject to confidential treatment if the
8 information is treated with the same degree of confidentiality as is required of the
9 department; and

10 E. May make all necessary rules for the administration of contracts with health care
11 servicing entities. All rules adopted pursuant to this paragraph are routine technical
12 rules as defined in Title 5, chapter 375, subchapter 2-A.

13 **SUMMARY**

14 This bill establishes the Department of Substance Use Disorder Services as a separate
15 cabinet-level department. It removes from the Department of Health and Human
16 Services, and transfers to the Department of Substance Use Disorder Services, functions
17 and services for individuals with substance use disorders, prevention programs and
18 administrative assistance for the Substance Use Disorder Services Commission.