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Testimony of the Division of Licensing and Certification  
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In support of LD 1961, *An Act to Clarify the Laws Relating to the Licensure of Certain Facilities by the Department of Health and Human Services*

Sponsor: Senator Ingwersen  
Hearing Date: May 19, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Bill Montejo, and I serve as the Director of the Division of Licensing and Certification (DLC) in the Maine Department of Health and Human Services. I am here today to testify in support of LD 1961, *An Act to Clarify the Laws Relating to the Licensure of Certain Facilities by the Department of Health and Human Services*.

This bill amends several provisions related to the licensing and regulation of various medical and social service entities by the Department of Health and Human Services.

This bill achieves three things:

Part A of the bill amends provisions related to the issuance of conditional licenses to applicants seeking licensure for several types of service delivery: personal care agency; a facility licensed under chapter 1663; mental health services; and agencies that provide services to adults with intellectual disabilities, autism spectrum disorder, a related condition or an acquired brain injury. This change is needed to allow for a conditional license, rather than a provisional license, to be issued to entities known to have struggled with compliance under other licenses.

Part A also amends the law governing licensure for the provision of mental health services to require the department to monitor for compliance every 2 years, rather than once a year, regardless of the license term. This will create consistency and allow the Division to operate within current manpower limitations.

Part A of the bill also updates terms related to the licensing of health care facilities under Title 22, chapter 405; expands the definition of "facility" under Title 22, Subtitle 6, which concerns facilities for children and adults; clarifies the definition of "independent housing with services program" under the laws governing assisted housing facilities; and removes the requirement that the department must approve any employee assistance program for substance use.

Part B of the bill amends the law governing health care facility reporting of sentinel events by clarifying which health care facilities are required to comply with sentinel event reporting

requirements; expanding the types of events that must be reported as sentinel events; removing the requirement to report a so-called near miss where a sentinel event almost occurred; and making other changes and clarifications with respect to the reporting and review process. These changes will reduce administrative burdens on providers and create consistency with federal regulations.

Part C of the bill amends the provisions of law governing the Maine Registry of Certified Nursing Assistants and Direct Care Workers to resolve conflicts created by the concurrent passage of Public Law 2023, chapter 241 and Public Law 2023, chapter 309.

The Division supports these changes to improve the operations of the Division and to ensure the health and safety of individuals served.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.