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Bureau of Substance Addiction Services (BSAS) Suitability & Licensure FAQ

BSAS Regulations

Where can I find a copy of the current BSAS License regulations?

- A copy of the current BSAS regulations can be found online at [105 CMR 164.000 Licensure of Substance Use Disorder Treatment Programs](#)

Suitability

What does Suitability mean?

- Suitability is the process by which BSAS evaluates potential new applicants to determine their capacity to provide substance use disorder (SUD) treatment services.

When does an agency need to apply for suitability for BSAS licensure?

- A agency needs a license or approval from BSAS to operate and hold themselves out as, advertise or market themselves as a substance use disorder treatment program; this includes separate and identifiable substance use disorder treatment programs within facilities licensed by the Department of Public Health (DPH) Bureau of Health Care Safety and Quality (HCQ), including general hospitals, and clinics and programs licensed or operated by the Department of Mental Health (DMH).

If an agency is interested in seeking BSAS licensure and has questions about the process, whom should they contact?

- bsas-noi-suitability@mass.gov

Suitability Process & Requirements

What is the overall process an agency must complete to obtain a BSAS license?

1. Applicants must review [105 CMR 164.000 Licensure for Substance Addiction Treatment Services](#)
2. Applicants must submit a completed Notice of Intent to Apply for a SUD Program License (NOI) to bsas-noi-suitability@mass.gov
***Please note that incomplete submissions will not be reviewed.**
3. The BSAS evaluates the NOI to determine the suitability of the provider.
***Please note that applications are reviewed for completeness and undergo review by the Suitability Committee in the order they are received.**
4. Once the NOI is reviewed and approved, the applicant will receive a notice of approval along with instructions for accessing the BSAS eLicensing SUD Program Application through the Virtual Gateway.
5. Once the applicant starts the SUD Program application, it is the applicant's responsibility to contact their Licensing Inspector. The Licensing Inspector will be their point of contact throughout the licensing process, which includes the submission of the SUD application through BSAS eLicensing and on-site facility inspection.

What are the requirements for suitability approval?

- Applicants have the sole burden of persuasion to demonstrate their suitability.
- The applicant must demonstrate the capacity to operate a SUD treatment program, which includes the following:
 - The completed NOI application, comprehensive and concise narrative responses, and required affirmations
 - A list of owners and responsible officials, their resumes and CORI applications
 - An organization chart that includes any parent/grandparent organizations associated with this agency, including any other entities licensed in Massachusetts.

- Evidence of incorporation paperwork such as the legal documents filed with the Commonwealth that officially establish the company as a corporation.
- Evidence of the provider's history of providing SUD services and/or other related healthcare services in Massachusetts and/or other states or jurisdictions
- Evidence of Financial Viability (see below for more information)
- The applicant must demonstrate that at least one of its owners, board members, and/or executive directors has experience providing SUD treatment services
- The applicant must demonstrate there is a need for the proposed services. Specifically, there must be a demonstration of need for the service setting(s) the applicant has selected in the NOI.
- The applicant must demonstrate their ability to comply with all state and federal regulations, including ADA requirements.
- A complete NOI application with all required supporting documents submitted electronically to bsas-noi-suitability@mass.gov

Demonstration of a sufficient plan to contract with public health insurers.

***Incomplete applications will be returned and not reviewed.**

What factors are taken into consideration for an applicant to demonstrate a need for a substance use disorder treatment program?

- An applicant must provide clear evidence as a part of the application indicating that a need for services exists in the proposed location, including geographic access to the continuum of care and access to a balanced continuum of care in terms of the proportion of each service type.
- The applicant must explain how this assessment was completed and provide documentation as evidence (i.e., *what market research was conducted*).
- Explain how the proposed services will address health disparities through access to services for underserved populations and persons with co-occurring mental health conditions and substance use disorder, and the demonstrated ability and history to meet the needs of such populations. Including those with public health insurance
- The applicant should coordinate with the proposed community, which may include existing providers delivering similar services and provide efforts made to engage community stakeholders.
- Helpful resources:
 - <https://www.mass.gov/info-details/information-for-licensed-substance-use-disorder-treatment-programs>
 - <https://helplinema.org/>

- <https://www.mass.gov/info-details/data-on-enrollments-in-substance-addiction-services>
- <https://www.mass.gov/info-details/substance-use-data-reports>
- [Place-Based Investments | Mass.gov](#)

Does a prospective applicant need to have control over a location to submit an NOI?

- The city/town where services are being proposed must be identified in the NOI. As stated, the above applicant must be able to demonstrate the need for the services in the area proposed.
- If there is a change in location during the initial licensure process, the applicant must notify the Department via email to the licensing inspector and bsas-noi-suitability@mass.gov and will need to resubmit a demonstration of need to proceed with licensure.

What information is needed for financial documentation to demonstrate financial viability?

- Demonstrate the ability for the service to be financially viable for at least the term of the initial license (6 months).
- Level of funding to cover the costs: Cash, cash flow. Level of projections.
- A business plan for the new service and proposed operating budget.
- List any proposed third-party payers or insurers:
 - Specifically, public insurances in which you plan to engage in a relationship for referral or revenue
- Level of funding to cover their cost: 6 months to a year. With sufficient detail, including bank statements and/or proof of capital or loan.
- Projections of revenues, costs, expenses, and fiscal management plan.
- Line items of Profits & Losses.

Suitability Submissions via Notice of Intent (NOI)

Where do I find the Notice of Intent (NOI) application, and which application should be completed?

- NOI applications can be found here: <https://www.mass.gov/info-details/information-for-initial-sud-program-licensure>
- There are two types of NOI applications:
 - **General:** For all applicants that are a private for-profit or non-profit entity

that holds no licenses from any state entity

- **HCQ:** For applicants who are licensed currently by the DPH-Bureau of Health Care Safety and Quality (HCQ)

Suitability Determinations

What happens after suitability has been determined through the NOI process? How will the applicant know who their primary contact at the Department is for licensing?

- If an applicant is deemed suitable, the Department will send the following information via email to the individuals named on the NOI
 - Name and contact information for the licensing inspector in the region the proposed program is identified.
 - Information about the BSAS licensing application and the steps needed to set up access for the organization.

What are the responsibilities of the applicant who has received suitability approval but has not been issued a license or approval from BSAS?

- If an applicant is deemed suitable, they are responsible for notifying BSAS of any changes that may be relevant to their submission of suitability while applying for initial licensure. This may include, but is not limited to service or location changes, criminal or civil charges, financial changes, a change in ownership, or action taken by an accrediting or regulatory body.

Does suitability expire?

- The NOI approval is valid for 1 year from the date of issuance of the approval letter. BSAS has the discretion to re-evaluate an applicant's suitability should there be no action taken to seek licensure or approval within one year of the suitability approval.

Does suitability approval guarantee licensure?

- Suitability is a single step in the licensing process. It does not guarantee licensure. BSAS will continue to evaluate suitability throughout the licensing

process.

What happens if a NOI application is returned or denied?

- Incomplete NOI applications will be returned to the applicant. A completed application can be resubmitted. Please refer to the checklist at the top of the application and ensure all requirements are met before resubmission.
***Resubmissions will be reviewed once deemed complete in the order they are received.**
- Applicants denied by the Suitability Committee will be notified electronically with an attached letter indicating the basis for denial. Please read the letter carefully and review the cited regulations for additional information.
*** BSAS can answer questions about regulations and the suitability process, however, cannot provide additional guidance about completing the application.**
- Applicants are not guaranteed approval and/or access to apply for a BSAS license.
- Applicant assumes all responsibilities for demonstrating suitability and any associated cost.
- BSAS will not approve an application if the applicant cannot demonstrate the capacity to provide SUD treatment and the need for a service.

Program Licensure

How long does it take to receive a BSAS license?

- NOI Applications to determine suitability are reviewed in the order that they are received by the Quality Assurance and Licensing Unit and coordinating units in the Department. Depending on the information submitted in the NOI application, timelines may vary.
- The BSAS licensing process is not static, so there is no clear timeline for the completion of an initial license or approval due to the specific requirements depending on the service setting and the organization's ability to demonstrate substantial compliance with the requirements of 105 CMR 164.000. Throughout the initial licensure and approval process, there is ongoing communication between the applicant and their Licensing inspector regarding regulatory requirements, providing technical assistance, and any timelines identified by the Department.

Assistance With Suitability Submissions

Can an organization use a consultant to help them draft their Notice of Intent?

- The regulations do not specifically prohibit the use of consultants in the development of the applying organization's Notice of Intent submission. However, the content of the NOI is the responsibility of applying organization and those listed as owners and/or responsible officials. The Department does not endorse or recommend consultants.