



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

MARGRET R. COOKE
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

BSAS Suitability FAQ

Where can I find a copy of the current Substance Addiction Services License (BSAS) regulations?

- Online at [105 CMR 164.000 Licensure of Substance Use Disorder Treatment Programs](#)

What does Suitability mean?

- Suitability is the process by which BSAS evaluates potential applicants to determine their capacity to provide SUD treatment services.

When does a provider need a BSAS license?

- A provider 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 a provider is interested in seeking BSAS licensure and has questions about the process, whom should they contact?

- The Assistant Director of Licensing (see the webpage [Information for licensed substance use disorder treatment programs](#) for a full contact list)

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

- NOI applications can be found here: [Information for licensed substance use disorder treatment programs](#)

There are four 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 that are licensed currently by DPH-Bureau of Health Care Safety and Quality (HCQ).
- **DMH:** For applicants that are licensed currently by the Department of Mental Health (DMH).
- **State Entity:** For all Agents of the Commonwealth

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

1. Providers must review [105 CMR 164.000 Licensure for Substance Addiction Treatment Services](#)
2. Providers must reach out to the Assistant Director of Licensing to discuss prospective services and to assign a point of contact for technical assistance on the suitability process.
3. Providers must submit a completed Notice of Intent to Apply for a SUD Program License (NOI) to identified BSAS staff member on the NOI
4. The BSAS evaluates the NOI to determine the suitability of the provider.
5. Once the NOI is reviewed and approved the provider will receive a notice of approval and instructions on getting set up on the virtual gateway to access the BSAS eLicensing SUD Program Application.
6. Once the provider starts the SUD Program application, they will be assigned a Licensing Inspector who will be their point of contact throughout the licensing process which includes the submission SUD application through BSAS eLicensing and on-site facility inspection.

What are the requirements for suitability?

- The Applicant must demonstrate the capacity to operate a substance use disorder treatment program, which includes the following:
 - The completed NOI application, comprehensive narrative responses, and required affirmations
 - Evidence of incorporation paperwork
 - 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)
 - Completed CORI applications for owners and responsible officials identified in the NOI application

- The provider must demonstrate at least one of its owners, board members, and/ or executive director has SUD experience.
- The provider 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 provider must do their diligence to ensure compliance with any state and or federal regulations.
- Demonstration of full compliance with 105 CMR 164.000, including required staffing in the full licensing application process which follows the approval of the NOI. The approval of an NOI is not a guarantee that the license will be approved.

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

- It is ideal that the city/town where services are being proposed should be identified in the NOI. As stated above providers must be able to demonstrate the need for the services in the area proposed. It is important to identify the service provisions that will be offered by the organization and have an identified area/region of the state where the proposed program will be cited.

Does suitability expire?

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

What are the responsibilities of an entity that 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 criminal or civil charges, financial changes, change in ownership, or action taken by an accrediting or regulatory body.

What factors are taken into consideration for a program 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*).
- Provide an explanation of how the proposed program 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.
- 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>

What is needed for financial documentation to demonstrate financial viability?

- 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 (including public insurers) 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, and expenses and fiscal management plan
- Line items of the Profits & Losses

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 that is submitted, 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 organizations' ability to demonstrate substantial compliance with the requirements of 105 CMR 164.000. During the initial licensure/approval process there is frequent communication between the applicant and their Licensing inspector regarding requirements, providing technical assistance, and regarding any timelines identified by the Department.

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

- If a provider receives approval for the entities Notice of Intent for Suitability, the Department will send the following information including contact information, and the next step:
 - Name and contact information for the licensing inspector in the region the proposed program identified
 - Information about the BSAS elicensing application and the steps in setting up access for the organization