

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1026

S. P. 311

In Senate, February 26, 1969

Referred to Committee on Health and Institutional Services. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Stuart of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Licensing Administrators of Medical Care Facilities Other Than Hospitals.

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

R. S., T. 32, c. 2, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 2, to read as follows:

CHAPTER 2

ADMINISTRATORS OF MEDICAL CARE FACILITIES

OTHER THAN HOSPITALS

§ 61. Requirement for license

No medical care facility other than a hospital shall operate after June 30, 1970, except under the supervision of a licensed administrator and no person shall be an administrator of a medical care facility other than a hospital after June 30, 1970, unless he is the holder of a current administrator's license or a temporary permit issued pursuant to this chapter.

§ 62. Definitions

1. **Administrator.** "Administrator" means an individual who is charged with and has responsibility for the general administration of a facility other than a hospital whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

2. **Board.** "Board" means the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals.

3. Medical care facility other than hospitals. "Medical care facility other than hospitals" means any facility providing therein medical care or nursing supervision to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board.

§ 63. Board; powers and duties

1. Membership. There shall be a State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals consisting of 7 members appointed by the Governor with the advice and consent of the Executive Council. The members shall be citizens of the United States and residents of the State of Maine. One member shall be a physician licensed to practice medicine or osteopathy with not less than 5 years of active practice within the State. One member shall be a hospital administrator with not less than 5 years active practice in the State as a hospital administrator. One member shall be a registered nurse with not less than 5 years active practice in nursing homes in the State. One member shall be a representative of the public. Three members shall be administrators of medical care facilities other than hospitals with not less than 5 years of such active experience in the State.

2. Term of office. The term of office of the members shall be 3 years, provided that of the members first appointed, 2 shall be appointed for terms of one year, 2 for terms of 2 years and 3 for terms of 3 years. A member shall not be appointed for more than 2 consecutive full terms.

3. Meetings. The board shall meet at least once each year and at such other times as may be provided by the resolution of the board. A quorum of the board shall consist of a majority of its members. The board shall elect a chairman and determine the necessary procedures for the conduct of its business.

4. Rules and regulations. The board, by a majority vote, shall adopt and amend rules and regulations to effectuate this chapter, including but not limited to standards for courses of study for administrators, requirements for the training, experience and qualifications for the licensure of administrators, standards and procedures for examination for the licensure of administrators, standards and procedures for the issuance, revocation and suspension of licenses of administrators and for the investigation of written charges and complaints filed with the board relating thereto, and establishment of licensure fees.

5. Examinations. The board shall conduct one or more written examinations for licensure of administrators of medical care facilities other than hospitals each year at such times and places as the board may determine.

6. Secretary. The Commissioner of Health and Welfare or his designee shall act as secretary to the board and provide such administrative assistance as the board may require.

7. Certificates. The board shall furnish to each licensed administrator annually a certificate of licensure in a form prescribed by the board certify-

ing that the holder thereof is entitled to practice as an administrator in this State for the year in which it is issued.

8. Fees. The board will establish reasonable fees for licenses, license renewals and examinations and such fees shall be credited to the General Fund.

9. Compensation. Members of the board will be paid \$20 a day for time necessarily spent in official duties, plus reimbursement for necessary expenditures incurred in the conduct of official business.

§ 64. Appeals

Any person who is aggrieved by the decision of the board in refusing to issue a license or the renewal of a license may file a statement of complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307.

STATEMENT OF FACTS

Federal statute requires that all states provide for the licensing of the administrators of medical care facilities other than hospitals by June 30, 1970. Essentially this means the licensing of nursing home administrators, but it is preferable to use general language because the federal requirements are not yet in clear and specific terms. There is also a federal requirement that the licensing of these personnel be conducted by a separate board rather than by an agency such as the Department of Health and Welfare.

Sufficient funds for the administration of this Act are provided in the executive budget.