

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 391, L.D. 565, Bill, "An Act to Clarify the Licensing Status of Acute Care Units at State Mental Health Institutes"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the conditional licenses of the state mental health hospitals expire on July 1, 1991; and

Whereas, the Department of Human Services may not extend the conditional licenses without legislative approval; and

Whereas, licensure of the state mental health hospitals provides a quality control mechanism for patients; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

22 MRSA §1813, as repealed and replaced by PL 1989, c. 875, Pt. E, §34 and c. 878, Pt. A, §59, is repealed and the following enacted in its place:

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2 §1813. Licenses for new and existing hospitals

4 A person, partnership, association or corporation or any
6 state, county or local governmental unit may not continue to
8 operate an existing hospital, sanatorium, convalescent home, rest
10 home, nursing home or ambulatory surgical facility or open a
12 hospital, sanatorium, convalescent home, rest home, nursing home
14 or ambulatory surgical facility unless the operation is approved
16 and regularly licensed by the State.

18 Notwithstanding any other provision of this Title, a
20 state-operated mental health hospital subject to licensure may
22 have its current conditional license extended until January 1,
24 1993. By January 1, 1993, the department shall adopt rules that
26 apply specifically to the licensure of psychiatric and mental
28 health hospitals. Until those rules are adopted, the department
30 shall apply existing hospital licensure rules to psychiatric and
32 mental health hospitals.

34 Emergency clause. In view of the emergency cited in the
36 preamble, this Act takes effect when approved.

38 **FISCAL NOTE**

40 The Department of Mental Health and Mental Retardation will
42 comply with licensure requirements at the state-operated mental
44 health institutions and absorb the associated costs within
46 budgeted resources.

48 The Department of Human Services will absorb the costs
associated with adopting hospital licensure rules specific to
mental health hospitals within budgeted resources.'

50 **STATEMENT OF FACT**

52 This amendment removes a provision from the original bill
54 that makes only acute care units of state mental health hospitals
56 subject to licensure and requires the Department of Human
58 Services to adopt hospital licensure rules that are specific to
60 mental health hospitals. The amendment also extends the period
62 during which the Department of Human Services may extend
64 conditional licenses for the State's mental health hospitals.

66 The amendment also adds an emergency preamble, emergency
68 clause and fiscal note to the bill.