

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 217

H.P. 182

House of Representatives, January 21, 2009

**Resolve, To Increase Transparency in the Long-term Care Planning
and Delivery Process To Ensure Maine's Elderly Can Make
Informed Choices**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAULIEU of Auburn.
Cosponsored by Senator COURTNEY of York and
Representatives: BEAUDOIN of Biddeford, CLARK of Millinocket, CLEARY of Houlton,
JONES of Mount Vernon, LAJOIE of Lewiston, LEWIN of Eliot, SIROIS of Turner,
WEAVER of York.

1 **Sec. 1. The Department of Health and Human Services directed to clarify**
2 **the transition process for nursing facility patients awaiting transition into**
3 **residential care. Resolved:** That, no later than October 1, 2009, the Department of
4 Health and Human Services shall amend its rules for the MaineCare program to provide
5 that a patient that is a resident of a nursing facility who is admitted to a hospital for
6 treatment and subsequently discharged within 30 days, who was either identified at the
7 nursing facility as a resident waiting to be transitioned into a residential care facility or
8 identified during the hospital discharge process as a patient that should be transitioned
9 into a residential care facility, must have the ability to be accepted back as a resident at
10 that same nursing facility where the patient was a resident until the patient can be
11 transitioned into the appropriate residential care facility. The Commissioner of Health
12 and Human Services shall report to the Joint Standing Committee on Health and Human
13 Services on the work done pursuant to this section by February 1, 2010. The Joint
14 Standing Committee on Health and Human Services is authorized to submit legislation
15 related to the report to the Second Regular Session of the 124th Legislature; and be it
16 further

17 **Sec. 2. The Department of Health and Human Services directed to**
18 **improve discharge planning process. Resolved:** That, no later than October 1,
19 2009, the Department of Health and Human Services shall amend its rules for licensure
20 of general and specialty hospitals relating to the hospital discharge planning process
21 pursuant to this section:

22 1. The hospital discharge planning process must provide at the outset all patients
23 with a summary of the patient's rights during the discharge process, including the
24 patient's right to await transition out of hospital care until satisfactory placement can be
25 found at a nursing facility or residential care facility or with a home health care provider,
26 based on the patient's medical needs;

27 2. The hospital discharge planning process must also provide patients with a
28 comprehensive list of patient resources and contact information for guidance and support
29 during the discharge process, including contact information for the Long-term Care
30 Ombudsman and the Bureau of Elder and Adult Services, as well as a copy of the most
31 recent report from the federal Centers for Medicare and Medicaid Services on the federal
32 ranking system for nursing facilities providing care for Medicare and Medicaid recipients
33 in those areas where the patient resides or wishes to reside; and

34 3. In cases where the patient has behavioral health issues, the hospital discharge
35 planning process must also involve representatives from the Bureau of Elder and Adult
36 Services and the Office of Adult Mental Health Services to improve the coordination,
37 planning and efficiency of the discharge process for the patient.

38 The Commissioner of Health and Human Services shall report to the Joint Standing
39 Committee on Health and Human Services on the work done pursuant to this section by
40 February 1, 2010. The Joint Standing Committee on Health and Human Services is
41 authorized to submit legislation related to the report to the Second Regular Session of the
42 124th Legislature; and be it further

