

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 960

H.P. 619

House of Representatives, March 11, 2025

An Act Facilitating the Discharge of Hospitalized Patients to Nursing Facilities

Received by the Clerk of the House on March 6, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative JAVNER of Chester.
Cosponsored by Senator BERNARD of Aroostook and
Representatives: DAIGLE of Fort Kent, MCINTYRE of Lowell.

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

2 **Sec. 1. 18-C MRSA §5-312, sub-§1, ¶A**, as amended by PL 2021, c. 463, §1, is
3 further amended by amending the first blocked paragraph to read:

4 For purposes of this paragraph, the delay of discharge of a patient in a hospital until
5 the appointment of a guardian constitutes substantial harm. Identification of a
6 placement in a nursing facility or residential care facility for a patient delayed from
7 discharge from a hospital is not required to file a petition for emergency guardianship
8 under this section;

9 **Sec. 2. Nursing facility location requirement.** The Department of Health and
10 Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter
11 II, Section 67, Nursing Facility Services, to remove the requirement for a placement to be
12 within a 60-mile radius from a MaineCare member's home when the member is being
13 discharged from a hospital to a nursing facility placement.

14 **Sec. 3. MaineCare application processing standard.** The Department of
15 Health and Human Services shall amend its rules in Chapter 332: MaineCare Eligibility
16 Manual to establish a 30-day processing standard for MaineCare applications for
17 hospitalized patients in need of MaineCare approval for nursing facility placement.

18 **SUMMARY**

19 This bill makes the following changes when a hospitalized patient is awaiting discharge
20 to a long-term care facility:

21 1. Identification of a placement in a nursing facility or residential care facility is not
22 required to file a petition for emergency guardianship for a patient delayed from discharge
23 from a hospital;

24 2. The requirement for a MaineCare member to be placed in a nursing facility within
25 60 miles of the member's home when the member is being discharged from a hospital is
26 removed; and

27 3. The processing standard to process a MaineCare application for a hospitalized
28 patient awaiting a placement to a nursing facility is changed from 45 days to 30 days.