

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1726

H. P. 1231

House of Representatives, January 17, 1966

The Committee on Health and Institutional Services suggested.

JEROME G. PLANTE, Clerk

Presented by Mrs. Carswell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SIX

AN ACT Relative to Issuance and Revocation of Nursing Home Licenses.

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

R. S., T. 22, § 1817, repealed and replaced. Section 1817 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 1817. Issuance of licenses

The department is authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes or other related institutions, which, after inspection, are found to comply with this chapter and any reasonable regulations adopted by said department. When any such institution, upon inspection by the department, shall be found to not meet all requirements of this chapter or departmental regulations thereunder, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said institution for compliance with this chapter and departmental regulations thereunder, if in the judgment of the commissioner the best interests of the public will be so served, or a conditional license setting forth conditions which must be met by the institution to the satisfaction of the department. Failure of the said institution to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license shall be \$15 and shall be payable at the time of issuance of such license. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of the issuance of such temporary or conditional license

have been met and satisfactory evidence of this fact has been furnished to said department. The department may file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, sections 301 to 307, requesting suspension or revocation of any license on any of the following grounds: Violation of this chapter or the rules and regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient; provided that whenever, on inspection by the department, conditions are found to exist which violate this chapter or departmental regulations issued thereunder which, in the opinion of the commissioner, immediately endanger the health or safety of patients, or both such health or safety, in any of such institutions to such an extent as to create an emergency, the department by its duly authorized agents may suspend said license until such time as the department determines that the emergency no longer exists or until a decision is rendered by the Administrative Hearing Commissioner. The department shall give written notice of such emergency suspension by delivering notice in hand to the licensee. If the licensee cannot be reached for personal service the notice may be left at the licensed premises. Whenever a license is suspended by the department under this emergency provision, the department shall file a complaint with the Administrative Hearing Commissioner requesting suspension or revocation of such license.'