

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 307

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H. P. 260

House of Representatives, January 22, 1975

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Silverman of Calais.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Amend the Laws Relating to the Licensure of  
Health Facilities.

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

Sec. 1. 22 MRSA § 1811, as amended by PL 1967, c. 231, § 1, is further amended to read:

§ 1811. License required; definitions

No person, partnership, association or corporation, nor any county or local governmental units, shall establish, conduct or maintain in the State any hospital, sanatorium, convalescent home, rest home, nursing home, residential treatment facility, ambulatory treatment facility or other institution for the hospitalization or nursing care of human beings without first obtaining a license therefor. Hospital, sanatorium, convalescent home, rest home, nursing home and other related institutions, within the meaning of this chapter, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization or treatment of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in this chapter shall apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other law. Also, nothing in this chapter shall apply to private offices or office groupings maintained by and for private physicians, dentists, or other licensed independent health service professionals solely for the practice of their profession.

Sec. 2. 22 MRSA §§ 1812-B and 1812-C are enacted to read:

§ 1812-B. Residential treatment facility and ambulatory treatment facility defined.

A residential treatment facility shall mean any facility wherein treatment for illness, injury, disability, addiction or emotional disturbance is provided in association with provisions for board and lodging of persons receiving said treatment. Said lodging or board need not be provided within the facility itself, but a facility will be included in this definition if those operating or maintaining the facility obtain, procure, arrange for or otherwise cause to be provided such eating or lodging services for patients.

An ambulatory treatment facility shall mean any facility wherein treatment for illness, injury, disability, addiction, or emotional disturbance is provided not in association with the provision of board and lodging as defined above.

#### § 1812-C. Multipurpose facilities

The department is authorized to promulgate and adopt any rules or regulations necessary to define the type(s) of licenses required by facilities which offer services characteristic of 2 or more of the facilities covered by this chapter. Insofar as is possible and practical, an institution will be required to be licensed at the most complex or highest level unless, in the opinion of the commissioner, the possession of more than one license is necessary and proper for the protection of the public health or welfare. The commissioner may also waive this licensure requirement for facilities licensed under other sections of this chapter.

### STATEMENT OF FACT

This bill will allow the Department of Health and Welfare to inspect and license health care facilities aside from hospitals, nursing homes, mental health centers and other specifically defined types of health care facilities already licensed. With many new and experimental methods of health care being used and developed, such authority is advisable to allow the department to fulfill its responsibility to supervise the quality of health care facilities in Maine.