

# MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1958

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S.P. 712

In Senate, January 19, 1984

Reference to the Committee on Health and Institutional Service is suggested. Ordered printed and sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsor: Senator Bustin of Kennebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

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**AN ACT to Assure Active Treatment of  
Mentally Retarded People in Intermediate  
Care Facilities and Skilled Nursing Care  
Facilities.**

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

Whereas, currently, over 150 persons who are mentally retarded reside in regular nursing homes and are not receiving appropriate active treatment programs; and

Whereas, these residents are not involved in day programs designed to increase self-care skills, and as a result are not developing, and in some cases are regressing; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9           22 MRSA §1708, sub-§§3 and 4 are enacted to read:

10           3. Rules. The department shall issue rules de-  
11 signed to insure active treatment of nursing home  
12 residents who are mentally retarded. The rules shall  
13 comply with the requirements for active treatment as  
14 contained in existing rules for intermediate care fa-  
15 cilities for the mentally retarded.

16           4. Principals of reimbursement. The department  
17 shall issue principals of reimbursement which shall  
18 define how nursing homes will be reimbursed for  
19 in-home and community based active treatment programs  
20 for their mentally retarded residents. The princi-  
21 pals shall be consistent with existing principals for  
22 intermediate care facilities for the mentally re-  
23 tardated.

24           Emergency clause. In view of the emergency  
25 cited in the preamble, this Act shall take effect  
26 when approved.

27                                 STATEMENT OF FACT

28           This bill is necessary to assure compliance with  
29 federal requirements for active treatment of people  
30 who are mentally retarded and residing in regular  
31 nursing homes.

32           Presently, over 150 people who are mentally re-  
33 tardated reside in regular nursing homes and do not re-  
34 ceive appropriate active treatment programs, day pro-  
35 grams designed to increase self-care skills. As a  
36 result, these residents do not develop, and in some  
37 cases, regress.

1           Since these residents are being harmed by the  
2 nonprovision of these services, and since the State  
3 is in noncompliance with the United States Health  
4 Care Financing Authority regulations, passage of this  
5 bill as an emergency measure is necessary.

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