

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2062

6
7 H.P. 1560 House of Representatives, February 8, 1984
8 Reference to the Committee on Health and Institutional Services.
9 Ordered printed and sent up for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

EDWIN H. PERT, Clerk

11 Presented by Representative Soule of Westport.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Provide for Licensure of
18 Birthing Centers.
19

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

22 Sec. 1. 22 MRSA §1811, as amended by PL 1967, c.
23 231, §1, is further amended to read:

24 §1811. License required; definitions

25 No person, partnership, association or corpora-
26 tion, nor any county or local governmental units,
27 ~~shall~~ may establish, conduct or maintain in the State
28 any hospital, sanatorium, convalescent home, rest
29 home, nursing home, birthing center or other institu-
30 tion for the hospitalization or nursing care of human
31 beings without first obtaining a license therefor.
32 Hospital, sanatorium, convalescent home, rest home,
33 nursing home, birthing center and other related in-
34 stitution, within the meaning of this chapter, ~~shall~~

1 mean means any institution, place, building or agency
2 in which any accommodation is maintained, furnished
3 or offered for the hospitalization of the sick or in-
4 jured or care of any aged or infirm persons requiring
5 or receiving chronic or convalescent care. Nothing
6 in this chapter ~~shall apply~~ applies to hotels or oth-
7 er similar places that furnish only board and room,
8 or either, to their guests or to such homes for the
9 aged or blind as may be subject to licensing under
10 any other law.

11 Sec. 2. 22 MRSA §1813, as amended by PL 1967, c.
12 231, §3, is further amended to read:

13 §1813. Existing hospitals must obtain licenses

14 No person, partnership, association or corpora-
15 tion, nor any county or local governmental units may
16 continue to operate an existing hospital, sanatorium,
17 convalescent home, rest home, birthing center or
18 nursing home, nor open a hospital, sanatorium, conva-
19 lescent home, rest home, birthing center or nursing
20 home unless such that operation shall have has been
21 approved and regularly licensed by the State.

22 Sec. 3. 22 MRSA §1815, as amended by PL 1981, c.
23 703, Pt. A, §12, is further amended to read:

24 §1815. Fees

25 Each application for a license to operate a hos-
26 pital, convalescent home, birthing center or nursing
27 home shall be accompanied by a fee of \$50 for facili-
28 ties less than 50 beds in size, a fee of \$100 for fa-
29 cilities 51 to 100 beds in size, and a fee of \$200
30 for facilities larger than 100 beds in size. No such
31 fee ~~shall~~ may be refunded. All licenses issued shall
32 be renewed annually upon payment of a like fee. The
33 state's share of all fees received by the department
34 under this chapter shall be deposited in the General
35 Fund. No license granted ~~shall~~ may be assignable or
36 transferable.

37 Sec. 4. 22 MRSA §1817, as repealed and replaced
38 by PL 1977, c. 694, §345, is amended to read:

39 §1817. Issuance of licenses

1 The department ~~is authorized to~~ may issue li-
2 licenses to operate hospitals, sanatoriums, convales-
3 cent homes, rest homes, nursing homes, birthing
4 centers or other related institutions, which, after
5 inspection, are found to comply with this chapter and
6 any regulations adopted by the department. When any
7 institution, upon inspection by the department, shall
8 be found not to meet all requirements of this chapter
9 or departmental regulations thereunder, the depart-
10 ment is authorized to issue either a temporary li-
11 cense for a specified period not to exceed 90 days,
12 during which time corrections specified by the de-
13 partment shall be made by the institution for compli-
14 ance with this chapter and departmental regulations
15 thereunder, if in the judgment of the commissioner
16 the best interests of the public will be so served,
17 or a conditional license setting forth conditions
18 which shall be met by the institution to the satis-
19 faction of the department. Failure of the institution
20 to meet any of these conditions shall immediately
21 void the conditional license by written notice there-
22 of by the department to the conditional licensee or,
23 if the licensee cannot be reached for personal ser-
24 vice, by notice thereof left at the licensed
25 premises. The fee for this temporary or conditional
26 license shall be \$15 and shall be payable at the time
27 of issuance of such a license. A new application for
28 a regular license may be considered by the department
29 if, when and after the conditions set forth by the
30 department at the time of the issuance of this tempo-
31 rary or conditional license have been met and satis-
32 factory evidence of this fact has been furnished to
33 the department. The department may amend, modify or
34 refuse to renew a license hereunder in conformity
35 with the Maine Administrative Procedure Act, or file
36 a complaint with the Administrative Court requesting
37 suspension or revocation of any license on any of the
38 following grounds: Violation of this chapter or the
39 rules and regulations issued pursuant thereto; per-
40 mitting, aiding or abetting the commission of any il-
41 legal act in that institution; conduct of practices
42 detrimental to the welfare of the patient; provided
43 that whenever, on inspection by the department, con-
44 ditions are found to exist which violate this chapter
45 or departmental regulations issued thereunder which,
46 in the opinion of the commissioner, immediately en-
47 danger the health or safety of patients, or both the

1 health and safety, in any of the institutions or to
2 such an extent as to create an emergency, the depart-
3 ment by its duly authorized agents may, under the
4 emergency provisions of Title 4, section 1153, re-
5 quest that the Administrative Court suspend or revoke
6 the license.

7 Sec. 5. 22 MRSA §1821, as amended by PL 1967, c.
8 231, §6, is further amended to read:

9 §1821. Violations; penalties

10 Any person, partnership, association or corpora-
11 tion, including county or local governmental units,
12 establishing, conducting, managing or operating any
13 hospital, sanatorium, convalescent home, rest home,
14 nursing home, birthing center or institution within
15 the meaning of this chapter, without first obtaining
16 a license therefor, or who shall violate any of the
17 provisions of said chapter or regulations thereunder,
18 shall be guilty of a misdemeanor and upon conviction
19 thereof shall be punished by a fine of not more than
20 \$100 or by imprisonment for not more than 90 days.

21 Sec. 6. 22 MRSA c. 408-A is enacted to read:

22 CHAPTER 408-A

23 BIRTHING CENTERS

24 §1981. Purpose

25 The purpose of this chapter is to provide for the
26 development, establishment and enforcement of stan-
27 dards for the maintenance and operation of birthing
28 centers which will promote safe and adequate care and
29 treatment of women, fetuses and newborns receiving
30 care and services during pregnancy, childbirth and
31 recovery.

32 §1982. Definitions

33 As used in this chapter, unless the context oth-
34 erwise indicates, the following terms have the fol-
35 lowing meanings.

