

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (After Deadline)

3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
6

7 Legislative Document

No. 2365

8  
9 H.P. 1790

House of Representatives, March 27, 1984

10 Approved for introduction by a majority of the Legislative Council  
11 pursuant to Joint Rule 27.

12 Reference to the Committee on Health and Institutional Services is  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brodeur of Auburn.

13 Cosponsors: Senator Bustin of Kennebec and Senator Gill of  
Cumberland.

14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FOUR  
18

19 AN ACT to Clarify the Licensure of  
20 Administrators of Medical Care Facilities Other  
21 than Hospitals.  
22

23 Emergency preamble. Whereas, Acts of the Legis-  
24 lature do not become effective until 90 days after  
25 adjournment unless enacted as emergencies; and

26 Whereas, a new category of administrator has  
27 evolved in care facilities for the mentally retarded;  
28 and

29 Whereas, legislation is urgently needed to place  
30 these administrators under licensure law for such  
31 medical care facilities; and

32 Whereas, in the judgment of the Legislature,  
33 these facts create an emergency within the meaning of  
34 the Constitution of Maine and require the following

1 legislation as immediately necessary for the preservation of the public peace, health and safety; now,  
2 therefore,  
3

4 Be it enacted by the People of the State of Maine as follows:  
5

6 Sec. 1. 32 MRSA §63, sub-§4, as enacted by PL  
7 1969, c. 350, is amended to read:

8 4. Rules. The board, by a majority vote, shall  
9 adopt and amend rules and regulations to effectuate  
10 this chapter, including, but not limited to, standards  
11 for courses of study for administrators, requirements  
12 for the training, experience and qualifications for the  
13 licensure of administrators, continuing educational requirements,  
14 standards and procedures for examination for the licensure of administrators,  
15 standards and procedures for the issuance, revocation and suspension of licenses of administrators  
16 and for the investigation of written charges and complaints filed with the board relating thereto,  
17 and establishment of licensure fees. In addition, the board shall adopt rules to establish administrator  
18 license categories limited to a specified type of medical care facility and requirements applicable  
19 thereto.  
20  
21  
22  
23  
24

25 Sec. 2. 32 MRSA §63, sub-§7-A, as enacted by PL  
26 1971, c. 226, is amended to read:

27 7-A. Temporary licenses. The board may determine  
28 conditions and procedures, or establish rules or regulations,  
29 by which it may issue temporary licenses to administrators  
30 of medical care facilities other than hospitals. Said licenses  
31 may be issued for periods of less than one year, but in no  
32 event may they be in effect for more than one year, and they  
33 may not be renewed or reissued beyond this one-year period.  
34 Nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant  
35 for a license as a nursing home administrator who is certified by a recognized church or religious denomination  
36 which teaches reliance on spiritual means alone for healing as having been approved to adminis-  
37  
38  
39  
40

1 ter institutions certified by such church or denomi-  
2 nation for the care and treatment of the sick in ac-  
3 cordance with its teachings, to demonstrate profi-  
4 ciency in any medical techniques or to meet any medi-  
5 cal educational qualifications or medical standards  
6 not in accord with the remedial care and treatment  
7 provided in such institutions.

8 Sec. 3. 32 MRSA §63, sub-§10 is enacted to read:

9 10. Exception. Nothing in this chapter or the  
10 rules under this chapter may be construed to require  
11 an applicant for a license as a nursing home adminis-  
12 trator who is certified by a recognized church or re-  
13 ligious denomination which teaches reliance on spiri-  
14 tual means alone for healing as having been approved  
15 to administer institutions certified by such church  
16 or denomination for the care and treatment of the  
17 sick in accordance with its teachings to demonstrate  
18 proficiency in any medical techniques or to meet any  
19 medical educational qualifications or medical stan-  
20 dards not in accord with the remedial care and treat-  
21 ment provided in those institutions.

22 Emergency clause. In view of the emergency cited  
23 in the preamble, this Act shall take effect when ap-  
24 proved.

25 STATEMENT OF FACT

26 Section 1 of this bill recognizes a new level of  
27 administrator in intermediate care facilities. With  
28 the development of intermediate care facilities for  
29 the mentally retarded, a new category of administra-  
30 tor has evolved. This bill will bring the statutes  
31 into line with these changes in the providing of ser-  
32 vices at intermediate care facilities. Sections 2 and  
33 3 reallocate a provision to a more appropriate sec-  
34 tion of the statutes.

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