MAINE STATE LEGISLATURE

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	FIRST	REGULAR SI	ESSION	
ONE	HUNDRED A	ND TWELFT	H LEGISLATURI	Ξ
Legislative Docu	ıment		-	No. 591
S.P. 229		-	In Senate, Feb	oruary 19, 1985
Reference to printed.	the Committee	on Human R	esources suggeste	d and ordered
		JOY J. O	'BRIEN, Secretar	y of the Senate
Presented by Sena Cosponsored Hayden of Durha	by Representa	tive Connolly	of Portland, Repaid of Rockland.	resentative
	STA	TE OF MAIN	ΝE	
NI		YEAR OF OUD TO THE PROPERTY OF	JR LORD EIGHTY-FIVE	
	ing Homes		s for Admiss ir and Illega	
Be it enacte follows:	d by the P	eople of	the State of	Maine as
22 MRSA	c. 405-D i	s enacted	to read:	
	СН	APTER 405	<u>-D</u>	
	ADMISSIONS	TO NURSI	NG HOMES;	
UNF	AIR AND IL	LEGAL TRAI	DE PRACTICES	
§1881. Appl	icability			
ments execut	ed at the y a resid	time of acent or lea	gal represent	prior to

§1882. Uniform contract

Each admission to a licensed facility shall be covered by a Uniform Nursing Home Admission Contract to be developed in conjunction with the Nursing and Boarding Home Ombudsman Program, the Maine Committee on Aging, the Health Care Providers Association, the Maine Health Care Association, the office of the torney General and the Department of Human Services by October 1, 1985.

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§1883. Implementation

The uniform contract developed pursuant to sec-11 12 tion 1882 shall be approved and distributed by the 13 department by January 1, 1986.

§1884. Violations

15 A violation of this chapter shall be treated as a 16 violation of the Unfair Trade Practices laws, Title 17 5, chapter 10.

STATEMENT OF FACT 18

In early 1983, the Nursing Home Ombudsman Program administered through the Maine Committee on Aging commissioned a study of admissions' contracts utilized in a random sample of the state's nursing homes. The study completed by Legal Services for the Elderly, Inc., found that each contract reviewed contained language which violated state and federal laws or regulations. The public attention focused on this issue of nursing home admissions' contracts. As a result, the study inspired the formation of a committee to develop a standardized contract to be used by all facilities. The standard contract developed by the Department of Human Services, Bureau of Medical Services, with input from the Bureau of Maine's Elderly, the Nursing Home Ombudsman Program, Maine Committee on Aging, Health Care Provider Association, Health Care Association and the office of the Attorney General was distributed as a "model document" to nursing homes in May, 1984.

The Nursing Home Ombudsman Program has continued to monitor admissions' contracts, since the issuance of the model document and the contracts reviewed by the program still contain inappropriate language. The program has prioritized the issue of unfair and illegal clauses in nursing home contracts for action during the fiscal year 1984-85.

The 1984 Blaine House Conference on Aging reviewed the nursing home admissions' contract issue during its session on "Access to Long-term Care for Medicaid Eligible Consumers" and passed a resolution calling for legislative action in this area. Subsequently, the Maine Committee on Aging at its October meeting set its 1984-85 legislative agenda, giving top priority to the pursuit of a broad-based remedy to address the problem of illegal and unfair language contained in these contracts.

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