

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 853

6
7 H.P. 583

House of Representatives, February 28, 1985

8 Reference to the Committee on Judiciary suggested. On Motion of
9 Representative Kane of S. Portland, referred to the Committee on Human
Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Boutilier of Lewiston.

Cosponsored by Representative Nelson of Portland, Senator Berube of
Androscoggin and Representative Carroll of Gray.

11
12 STATE OF MAINE
13

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

17 AN ACT to Establish Guidelines for
18 Investigation of Health Care
19 Facilities by State Agencies.
20

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

23 22 MRSA c. 102 is enacted to read:

24 CHAPTER 102

25 INSPECTION OF HEALTH CARE FACILITIES

26 §261. Compliance with procedures required

27 Notwithstanding any other provision of this Ti-
28 tle, no state official or state agency may conduct
29 any on-site inspection or on-site investigation of
30 any health care facility unless that official or
31 agency complies with the procedures established by
32 this chapter.

1 §262. Notice

2 At least 24 hours prior to making any inspection
3 or investigation as provided in section 261, the
4 state official or agency shall notify, in writing,
5 the owner or administrator of the health care facility
6 of the official's or agency's intention to visit
7 the facility and the time of that visit.

8 §263. Persons present during inspection or investi-
9 gation

10 If any state officials or personnel of any state
11 agency conduct an investigation or inspection as pro-
12 vided in section 261, they shall inform the owner or
13 administrator of the facility that the owner or ad-
14 ministrator and one staff employee selected by the
15 owner or administrator shall have the right to be
16 present at all times during that inspection or inves-
17 tigation.

18 §264. Number of inspectors or investigators

19 No inspection or investigation visit may be con-
20 ducted under this chapter unless there are at least 2
21 state officials or agency personnel present at the
22 facility to conduct the inspection or investigation.

23 §265. Time of inspection or investigation

24 No inspection or investigation may be conducted
25 under this chapter except during the normal business
26 hours of the facility being inspected or investi-
27 gated.

28 §266. Exception

29 Notwithstanding this chapter, an inspection or
30 investigation visit may be conducted without comply-
31 ing with the requirements of section 262 or 265 if
32 the state official or agency conducting the inspec-
33 tion or investigation finds that an emergency exists
34 such that the requirements of those sections cannot
35 reasonably be met prior to making the inspection or
36 investigation. The reasons for the emergency shall
37 be set out in writing and shall be provided to the
38 owner or administrator of the facility being in-

1 spected or investigated.

2 STATEMENT OF FACT

3 The purpose of this bill is to establish proce-
4 dures for conducting inspections and investigations
5 of health care facilities.

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