

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 912

S.P. 342

In Senate, March 23, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Representative HICKEY of Augusta, Representative MANNING of Portland and Senator GILL of Cumberland.

STATE OF MAINE

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

An Act to Require Nursing Facilities to File Notice of Intent to Withdraw from the Medicaid Program and to Ensure the Continuing Provision of Services to all Residents in the Facility at the Time of Withdrawal.



1 Be it enacted by the People of the State of Maine as follows:
3

5 22 MRSA §1822, as enacted by PL 1971, c. 281, is repealed
and the following enacted in its place:

7 §1822. Notice when nursing home voluntarily closes

9 1. Voluntary closing. Any person, including county or
11 local government units, who is conducting, managing or operating
13 any hospital, sanatorium, convalescent home, rest home, nursing
15 home or institution within the meaning of this chapter, and who
17 is properly licensed for that purpose, in accordance with this
19 chapter, shall give at least 30 days' advance notice of the
21 voluntary closing of that facility to the patients in the
facility and to those persons, governmental units or institutions
who are primarily responsible for the welfare of those patients
who are being cared for by that hospital, sanatorium,
convalescent home, rest home, nursing home or institution so that
adequate preparation may be made for the orderly transfer of the
patients to another qualified facility.

23 Any person who fails to provide this notice shall be punished by
25 a fine of not more than \$100 or by imprisonment for not more than
90 days.

27 2. Withdrawal from Medicaid program. Any skilled nursing
29 or intermediate care facility currently certified to participate
31 in the Medicaid program may not voluntarily withdraw from the
program unless all of the following conditions are met.

33 A. The facility shall file with the Department of Human
35 Services a notice of intent to withdraw from the Medicaid
program, providing at least 30 days' notice prior to the
date of withdrawal.

37 B. Except for patients transferred or discharged for
39 medical reasons, or for patients' health or safety or that
41 of other patients, or for nonpayment, the facility shall not
43 subsequently evict any Medicaid or private pay resident in
the facility as of the day the notice of intent to withdraw
from the Medicaid program is filed.

45 C. Residents admitted to the facility on or after the date
47 of the notice of intent to withdraw from the Medicaid
program shall be informed orally and clearly in writing of
the following:

49 (1) That the facility withdrew from the Medicaid
51 program as of a specific date;

53 (2) That the facility will not thereafter be able to
serve a resident who becomes eligible for Medicaid; and

