

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1235

H.P. 891

House of Representatives, April 19, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative PENDLETON of Scarborough.

STATE OF MAINE

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

An Act to Require Licensure of Clinics.



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

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

7 **§1811. License required; definitions**

9 No person, partnership, association or corporation, nor any
11 county or local governmental units, shall may establish, conduct
13 or maintain in the State any hospital, sanatorium, convalescent
15 home, rest home, nursing home, clinic or other institution for
17 the hospitalization or nursing care of human beings without first
19 obtaining a license therefor. Hospital, sanatorium, convalescent
21 home, rest home, nursing home, clinic and other related
23 institution, within the meaning of this chapter, shall mean any
institution, place, building or agency in which any accommodation
is maintained, furnished or offered for the hospitalization of
the sick or injured or care of any aged or infirm persons
requiring or receiving chronic or convalescent care. Nothing in
this chapter shall may apply to hotels or other similar places
that furnish only board and room, or either, to their guests or
to such homes for the aged or blind as may be subject to
licensing under any other law.

25 Sec. 2. 22 MRSA §1812-E is enacted to read:

27 **§1812-E. Clinic**

29 "Clinic" means any entity, however organized, whether
31 conducted for profit or not for profit, which is advertised,
33 announced, established or maintained for the purpose of providing
35 ambulatory medical, surgical, dental, physical rehabilitation or
37 mental health services. In addition, "clinic" includes any
39 entity, however organized, whether conducted for profit or not
41 for profit, which is advertised, announced, established or
43 maintained under a name which includes the word "clinic,"
45 "dispensary" or "institute," and which suggests that ambulatory
47 medical, surgical, dental, physical rehabilitation or mental
49 health services are rendered therein. With respect to any entity
51 which is not advertised, announced, established or maintained
53 under one of the names in this section, "clinic" shall not
include a medical office building or one or more practitioners
engaged in a solo or group practice, whether conducted for profit
or not for profit, and however organized, as long as the practice
is wholly owned and controlled by one or more of the
practitioners so associated, or, in the case of a not for profit
organization, its only members are one or more of the
practitioners so associated or a clinic established solely to
provide service to employees or students of the corporation or
institution. For purposes of this section, clinic shall not
include a clinic conducted by a hospital licensed under
applicable laws.

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

3 **§1813. Existing hospitals must obtain licenses**

5 No person, partnership, association or corporation, nor any
7 county or local governmental units, may continue to operate an
existing hospital, sanatorium, convalescent home, rest home ~~or~~,
9 nursing home, or clinic nor open a hospital, sanatorium,
convalescent home, rest home ~~or~~, nursing home or clinic unless
11 such the operation ~~shall have been~~ is approved and regularly
licensed by the State.

13 **Sec. 4. 22 MRSA §1815**, as amended by PL 1981, c. 703, Pt. A,
15 §12, is further amended to read:

17 **§1815. Fees**

19 Each application for a license to operate a hospital,
convalescent home ~~or~~, nursing home or clinic shall be accompanied
21 by a fee of \$50 for facilities less than 50 beds in size, a fee
of \$100 for facilities 51 to 100 beds in size, and a fee of \$200
23 for facilities larger than 100 beds in size. No such fee ~~shall~~
may be refunded. All licenses issued shall be renewed annually
25 upon payment of a like fee. The ~~state's~~ State's share of all fees
received by the department under this chapter shall be deposited
27 in the General Fund. No license granted ~~shall~~ may be assignable
or transferable.

29 **Sec. 5. 22 MRSA §1817**, as repealed and replaced by PL 1977,
31 c. 694, §345, is amended to read:

33 **§1817. Issuance of licenses**

35 The department is authorized to issue licenses to operate
hospitals, sanatoriums, convalescent homes, rest homes, nursing
37 homes, clinics or other related institutions, which, after
inspection, are found to comply with this chapter and any
39 regulations adopted by the department. When any institution, upon
inspection by the department, shall be found not to meet all
41 requirements of this chapter or departmental regulations
thereunder, the department is authorized to issue either a
43 temporary license for a specified period not to exceed 90 days,
during which time corrections specified by the department shall
45 be made by the institution for compliance with this chapter and
departmental regulations thereunder, if in the judgment of the
47 commissioner the best interests of the public will be so served,
or a conditional license setting forth conditions which shall be
49 met by the institution to the satisfaction of the department.
Failure of the institution to meet any of these conditions shall
51 immediately void the conditional license by written notice
thereof by the department to the conditional licensee or, if the

1 licensee cannot be reached for personal service, by notice
thereof left at the licensed premises. The fee for this temporary
3 or conditional license shall be \$15 and shall be payable at the
time of issuance of such a license. A new application for a
5 regular license may be considered by the department if, when and
after the conditions set forth by the department at the time of
7 the issuance of this temporary or conditional license have been
met and satisfactory evidence of this fact has been furnished to
9 the department. The department may amend, modify or refuse to
renew a license hereunder in conformity with the Maine
11 Administrative Procedure Act, Title 5, chapter 375, or file a
complaint with the Administrative Court requesting suspension or
13 revocation of any license on any of the following grounds:
Violation of this chapter or the rules and regulations issued
15 pursuant thereto; permitting, aiding or abetting the commission
of any illegal act in that institution; conduct of practices
17 detrimental to the welfare of the patient; provided that
whenever, on inspection by the department, conditions are found
19 to exist which violate this chapter or departmental regulations
issued thereunder which, in the opinion of the commissioner,
21 immediately endanger the health or safety of patients, or both
the health and safety, in any of the institutions or to such an
23 extent as to create an emergency, the department by its duly
authorized agents may, under the emergency provisions of Title 4,
25 section 1153, request that the Administrative Court suspend or
revoke the license.

27 29 31 **STATEMENT OF FACT**

The purpose of this bill is to improve the quality of health
33 care in Maine by assuring that all institutions or facilities
which offer medical or health services to the public, but which
35 are not affiliated with a licensed hospital, meet the minimum
standards and requirements applicable to the licensed health care
37 institutions and facilities.