

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2301

H.P. 1661

House of Representatives, February 9, 1990

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Human Resources suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative HEPBURN of Skowhegan.

Cosponsored by Senator HOLLOWAY of Lincoln and Representative CLARK of Brunswick.

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STATE OF MAINE

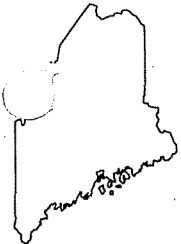
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Amend the Law on Intermediate Sanctions in Long-term  
Care Facilities.**

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

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Sec. 1. 22 MRSA §7944, sub-§1, ¶D is enacted to read:

D. The department may direct a long-term facility to transfer residents in that facility to other locations in an emergency that threatens the health, safety or welfare of the residents of the facility.

Sec. 2. 22 MRSA §7946, sub-§2, as enacted by PL 1987, c. 774, §4, is amended to read:

2. Collection of penalties; interest. Long-term care facilities that are fined pursuant to this chapter are required to pay the department the amount of the penalties. Penalties may be collected by the department by the offset of any reimbursement due the facility, or by any other method authorized by law. An appeal of the department's decision to penalize a long-term care facility shall stay the collection of any penalties. Interest will accrue on penalties that remain unpaid after any appeal period has passed at the rate described in Title 14, section 1602-A, subject to subsection 3. All penalties are to be assessed for each day that the facility is or was out of compliance and are to be collected with interest accruing at the rate set by Title 14, section 1602-A. An appeal of the department's decision to penalize a long-term care facility does not stay the assessment or collection of any penalties or interest as long as the long-term care facility continues to be in violation of any requirement of section 7943.

#### STATEMENT OF FACT

In 1988, the Legislature passed LD 1462, "An Act to Enhance the Quality of Care in Long-term Care Facilities through Consultation, Education and Intermediate Sanctions." The existing law does not conform to the requirements of the federal Omnibus Budget Reconciliation Act of 1987, Subtitle C, Nursing Home Reform, regarding the department's authority to assist in the transfer of residents after an emergency licensure revocation and regarding assessment procedures and the accrual of interest on fines for a facility that is out of compliance. This bill amends existing law to ensure conformity with the federal requirements.