

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 130

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H.P. 95

House of Representatives, January 17, 1995

**An Act to Protect Nursing Home Residents.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BERRY of Livermore.

Cosponsored by Representatives: JACQUES of Waterville, LUTHER of Mexico, MARTIN of Eagle Lake, VOLENIK of Sedgwick, Senators: BERUBE of Androscoggin, CLEVELAND of Androscoggin.

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

**Sec. 1. PL 1993, c. 410, Pt. FF, §15 is repealed.**

**Sec. 2. Medical criteria for admission to nursing facilities.** By October 1, 1995, the Department of Human Services shall amend the medical criteria for admission to a nursing facility. The criteria must:

1. Target nursing facility admissions to applicants who can not be served in less restrictive settings;

2. Result in applicants being advised of home and community-based services that are available and referred to services that are cost-effective and clinically appropriate;

3. Provide the following protections for persons who resided in nursing facilities between July 1, 1993 and the effective date of this Act and who were eligible under the medical criteria used for admission:

A. Reimbursement for the nursing facilities at the full reimbursement level for nursing facilities; and

B. The choice to continue to reside in the same nursing facility.

**Sec. 3. Retroactivity; application.** This Act applies to all persons who were residents of nursing facilities for any period of time between July 1, 1993 and the effective date of this Act. This Act applies to reimbursement for services provided to those residents by the nursing facilities for the time period beginning July 1, 1993 and continuing after the effective date of this Act.

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**STATEMENT OF FACT**

This bill requires the Department of Human Services to amend the medical criteria for admission to a nursing facility. It gives persons who resided in nursing facilities between July 1, 1993 and the effective date the choice to remain in the facility if they were eligible under the medical criteria used for admission. It requires full reimbursement for services provided to residents of nursing facilities for the time period beginning July 1, 1993 and continuing after the effective date.