

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 3/20/98

(Filing No. H-1002)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2241, "Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services"

Amend the resolve in section 1 in the last line (page 1, line 28 in L.D.) by striking out the following: "authorized" and inserting in its place the following: 'authorized, with the following amendments to the rule'

Further amend the resolve in section 1 by inserting at the end the following:

'1. The rule must allow an individual, other than the resident, to voluntarily sign an agreement separate from the contract signed for admission that guarantees payment of the resident's expenses by the individual. If anyone other than the resident informs the assisted living facility that they wish to guarantee payment of the resident's expenses, that person may do so only in a written agreement separate from the contract signed for admission. This separate agreement must be provided to the guarantor of payment 2 days prior to the resident's admission and must plainly state that:

A. The individual should not sign the agreement unless the individual voluntarily agrees to be financially liable for paying the resident's expenses with the individual's money;

B. The individual is not required to sign the document or accept the responsibility for payment unless the individual wishes to do so;

COMMITTEE AMENDMENT

Ret

2 C. The individual may change the individual's mind within  
4 48 hours of signing the agreement by notifying the facility  
6 that the individual wishes to revoke the agreement; and

8 D. The individual may call the long-term care ombudsman's  
10 program for an explanation of the individual's rights.

12 2. The rule must include a provision that the contract  
14 signed for admission of the resident may not require or encourage  
16 anyone other than the resident to obligate the resident for the  
18 payment of the resident's expenses.

20 3. The rule must provide that each contract signed for  
22 admission must contain a provision that provides for at least 60  
24 days' notice prior to any changes in rates, responsibilities or  
services to be provided or any other items included in the  
contract.

26 4. The rule must provide that residents in congregate  
28 housing services programs who choose to relocate must give 10  
30 days' advance notice in order to obtain a refund, except that  
residents who relocate for emergency medical treatment are not  
required to give 10 days' advance notice.

32 5. The rule must allow administrators 18 months from the  
34 effective date of the regulations for the licensing of  
36 residential care facility administrators or from the date of  
hire, whichever is later, to complete a training program approved  
by the Department of Human Services or to be licensed as a  
residential care facility administrator.

38 6. The rule must provide that the resident, the resident's  
legal representative and others chosen by the resident are  
required to be actively involved in the development of the  
service plan for the resident.

40 7. The rule must prohibit assisted living facilities from  
42 having more than 2 beds per room as of January 1, 2002.

44 8. The rule must provide that each assisted living facility  
46 develop a comprehensive disaster plan. The plan must include  
48 contingencies for the loss of power, heat, lights, water and  
sewage disposal, contingencies for long-term and short-term  
emergencies and, if the facility has no backup power source that  
can be used to continue operations of heat, lights, water and  
sewage disposal, contingencies for evacuation that include  
contractual agreements with other agencies of facilities for  
temporary accommodations.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The additional costs associated with amending the rules can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

**SUMMARY**

This amendment authorizes final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities provided that several amendments are made to the proposed rule by the Department of Human Services prior to its final adoption. The amendments must provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;
6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.