

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1065

S.P. 361

In Senate, February 9, 1999

**An Act to Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents.**

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Reference to the Committee on Health and Human Services 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 PINGREE of Knox.  
Cosponsored by Representative LOVETT of Scarborough and  
Representatives: BROOKS of Winterport, DUGAY of Cherryfield, JONES of Pittsfield,  
McALEVEY of Waterboro, MURPHY of Berwick, SNOWE-MELLO of Poland, WILLIAMS  
of Orono.

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

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4       **Sec. 1. 22 MRSA §7932, sub-§2**, as amended by PL 1997, c. 610, §1, is further amended to read:

6           **2. Facility.** "Facility" means any ~~boarding-home~~ assisted living facility subject to licensure pursuant to chapters 1663 and 1665, any skilled nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405 and any private psychiatric hospital subject to licensure pursuant to chapter 405.

12       **Sec. 2. 22 MRSA §7942, sub-§3**, as amended by PL 1993, c. 661, §21, is further amended to read:

14           **3. Long-term care facility.** "Long-term care facility" means ~~a residential-care~~ an assisted living facility subject to licensure pursuant to chapters 1663 and 1665 and a skilled nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405.

20       **Sec. 3. 22 MRSA §7944, sub-§1, ¶C**, as amended by PL 1993, c. 661, § 23, is further amended to read:

24           C. The department may impose a penalty upon a long-term care facility. The minimum penalty for operating without a license is \$500 per day. A penalty or a combination of penalties imposed on a facility may not be greater than a sum equal to ~~\$5~~ \$10 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$5,000~~ \$10,000 for each instance in which the department issues a statement of deficiency to a skilled nursing or intermediate care facility, or ~~\$3~~ \$6 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$3,000~~ \$6,000 in each instance in which the department issues a statement of deficiency to any ~~residential-care~~ assisted living facility.

38       **Sec. 4. 22 MRSA §7950** is enacted to read:

40       **§7950. List published**

42           The department shall publish a list of the facilities cited for significant deficiencies and subjected to fines and sanctions in language readily understandable to the average citizen in 3 daily newspapers in the State 2 times per year.

## SUMMARY

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4       This bill doubles the fines that the Department of Human  
6       Services may impose on long-term care facilities that the State  
8       has determined should be sanctioned because of lack of compliance  
10       with state rules and establishes a minimum fine of \$500 for  
12       operating without a license.

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10       This bill also requires that the department make information  
12       on the health and safety records of long-term care facilities  
      readily available to citizens of the State by publishing the  
      names of those facilities cited for deficiencies.