

# 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: *March 25, 2002* (Filing No. S-*501*)

**HEALTH AND HUMAN SERVICES**

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 461, L.D. 1514, Bill, "An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 22 MRSA §1812-H, sub-§2-B** is enacted to read:

2-B. Implementation. Notwithstanding any provision of this section to the contrary, a nursing facility may decline to admit a prospective resident after an evaluation of the person's clinical condition and related care needs and a determination that the facility lacks qualified staff to meet the level of care required for that person. A nursing facility is not subject to penalty or sanction for declining to admit a prospective resident under this subsection. Nothing in this subsection affects the obligation of a nursing facility to provide care specific to the needs of residents of the facility.

**Sec. 2. Rulemaking.** The Department of Human Services shall adopt rules regarding contracts for long-term care to ensure responsible financial management by persons who manage or have authority to manage or expend the assets and funds of residents of long-term care facilities. In developing the rules, the department shall consider allowing contracts to impose a clear duty on the part of a person to apply the funds of a resident in a responsible manner so that health care and long-term care expenses are paid to the extent possible and allowing mechanisms to promote payment of the resident's obligations in a timely

2 manner. Mechanisms for payment may include but are not limited  
to direct deposit of funds, electronic transfer of funds and  
4 directed payment of Social Security benefits and other income of  
the resident. Rules adopted pursuant to this section are routine  
6 technical rules as defined in Title 5, chapter 375, subchapter  
II-A.'

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

10  
12 **FISCAL NOTE**

14 The Department of Human Services will incur some minor  
additional costs to implement the changes to its long-term care  
16 rules required in this bill. These costs can be absorbed within  
the department's existing budgeted resources.'

18  
20  
22 **SUMMARY**

This amendment replaces the bill. It provides a mechanism  
24 for a nursing facility to decline to admit a prospective resident  
whose needs the facility can not meet because of lack of  
26 qualified staff. The amendment directs the Department of Human  
Services to adopt routine technical rules regarding contracts for  
28 long-term care to promote responsible financial management by  
persons who manage the assets and funds of residents of long-term  
30 care facilities and to provide mechanisms to promote timely  
payment of the resident's obligations. The amendment also adds a  
32 fiscal note.