

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 796

S.P. 275

In Senate, February 20, 2003

An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance

Reference to the Committee on Insurance and Financial 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 BROMLEY of Cumberland.
Cosponsored by Representative CURLEY of Scarborough.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 24-A MRSA §6203, sub-§6,** as amended by PL 1997, c.
5 478, §1, is further amended to read:

6 **6. Provision of services to nonresidents.** The final
7 certificate of authority must state whether any skilled nursing
8 facility that is part of a life-care community or a continuing
9 care retirement community may provide services to persons who
10 have not been bona fide residents of the community prior to
11 admission to the skilled nursing facility. If the life-care
12 community or the continuing care retirement community admits to
13 its skilled nursing facility only persons who have been bona fide
14 residents of the community prior to admission to the skilled
15 nursing facility, then the community is exempt from the
16 provisions of Title 22, chapter ~~103 103-A~~, but is subject to the
17 licensing provisions of Title 22, chapter 405, and is entitled to
18 only one skilled nursing facility bed for every 4 residential
19 units in the community. Any community exempted under Title 22,
20 chapter ~~103 103-A~~ may admit nonresidents of the community to its
21 skilled nursing facility only during the first 3 years of
22 operation. For purposes of this subsection, a "bona fide
23 resident" means a person who has been a resident of the community
24 for a period of not less than 180 consecutive days immediately
25 preceding admission to the nursing facility or has been a
26 resident of the community for less than 180 consecutive days but
27 who has been medically admitted to the nursing facility resulting
28 from an illness or accident that occurred subsequent to residence
29 in the community. Any community exempted under Title 22, chapter
30 ~~103 103-A~~ is not entitled to and may not seek any reimbursement
31 or financial assistance under the Medicaid program from any state
32 or federal agency and, as a consequence, that community must
33 continue to provide nursing facility services to any person who
34 has been admitted to the facility.

35 Notwithstanding this subsection, a life-care community that holds
36 a final certificate of authority from the superintendent and that
37 was operational on November 18, 2002 and that is barred from
38 seeking reimbursement or financial assistance under the Medicaid
39 program from a state or federal agency may continue to admit
40 nonresidents of the community to its skilled nursing facility
41 after its first 3 years of operation.
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45 **SUMMARY**

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47 This bill provides that a life-care community that holds a
48 final certificate of authority from the Superintendent of
49 Insurance and that was operational on November 18, 2002 and that
50 is prohibited by the Maine continuing care retirement community

2 laws from seeking reimbursement or financial assistance under the
3 Medicaid program from a state or federal agency as part of its
4 commitment to provide life care to its residents may continue to
5 admit nonresidents to its nursing facility after its first 3
6 years of operation.