

MAINE STATE LEGISLATURE

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L.D. 1580

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DATE: 5-22-03

(Filing No. H-514)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1153, L.D. 1580, "Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services'

Further amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized provided the following changes are made in the rules for assisted living programs and residential care.

1. Rule 2.7, defining "applicant" for the rules for assisted living programs and the corresponding rules for residential care, must be changed to require that the lease agreement, contract or other agreement delineate the roles and duties under these rules.

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2 2. Rule 2.8.2, defining "assisted living program" for the
rules for assisted living programs and the corresponding rules
4 for residential care, must be changed to specify the 2 levels of
nursing services: services of a registered professional nurse;
6 and registered professional nurse coordination and oversight.

8 3. Rule 2.12, defining "consumer" for assisted living
programs only, must be adopted using the proposed definition of
10 "resident" and the rules must be renumbered to run sequentially.

12 4. Rule 2.44, defining "resident" for assisted living
programs only, must be changed to remove "or tenant."

14 5. Rule 3.4.4, on application and licensure, for assisted
16 living programs and the corresponding rules for residential care
must be changed to provide that the policy on admission and scope
18 of services must describe the scope of nursing services.

20 6. Rule 3.22, on actions requiring prior written approval,
must be changed to require prior approval only for common dining
22 rooms and public bathrooms.

24 7. Rule 3.25.2, on signing a contract, for assisted living
programs and the corresponding rules for residential care must be
26 changed to delete all reference to the standard contract.

28 8. Rule 3.25.3, on provisions of contract, for assisted
living programs and the corresponding rules for residential care
30 must be changed to delete all reference to the standard contract.

32 9. Rule 5.12, on the right to confidentiality, for assisted
living programs and the corresponding rules for residential care
34 must be changed to allow access to confidential consumer
information as authorized by any other applicable state or
36 federal law and to require the release form to comply with the
requirements of rule and law.

38 10. Rule 5.20, on the right to refuse treatment or
40 services, for assisted living programs and the corresponding
rules for residential care must be changed to delete reference to
42 ensuring that a consumer receives necessary services and to
include instead reference to encouraging the consumer to receive
44 necessary services.

46 11. Rule 5.26, on reasonable modifications and
accommodations, for assisted living programs and the
48 corresponding rules for residential care must be changed to
provide that the responsibility for reasonable modification and
50 accommodation applies to the licensee, who may permit

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2 modification directly or through an agreement with the property
owner.

4 12. Rule 5.28, on the right to appeal an involuntary
transfer or discharge, for assisted living programs and the
6 corresponding rules for residential care must be changed to allow
appeal of a transfer or discharge for reasons of nonpayment and
8 to provide an expedited appeal.'

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SUMMARY

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This amendment details changes in the proposed rules for
14 assisted housing programs and residential care. The changes are
required for the rules to be approved by the Legislature. The
16 rules were proposed to the Legislature as major substantive rules.

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FISCAL NOTE REQUIRED
(See attached)

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**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1580

Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services

LR 2103(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional cost to the Department of Human Services can be absorbed by the department utilizing existing resources.