

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 873

S.P. 277

In Senate, March 8, 2011

**An Act To Promote the Establishment of an Adult Day Health Care
Program for Veterans in Lewiston**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative ROTUNDO of Lewiston and
Senator: DIAMOND of Cumberland, Representatives: BICKFORD of Auburn, BOLDUC of
Auburn, CAREY of Lewiston, LAJOIE of Lewiston, PETERSON of Rumford, RUSSELL of
Portland, WAGNER of Lewiston.

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

2 **Sec. 1. 22 MRSA c. 1689** is enacted to read:

3 **CHAPTER 1689**

4 **VETERANS' ADULT DAY HEALTH CARE PROGRAMS**

5 **§9001. Definition**

6 For purposes of this chapter, "veterans' adult day health care program" or "program"
7 means a therapeutically oriented outpatient day program that provides health maintenance
8 and rehabilitative services to participants eligible for services under Title 37-B, chapter
9 11; that provides individualized care delivered by an interdisciplinary health care team
10 and support staff, with an emphasis on helping participants and their caregivers to
11 develop the knowledge and skills necessary to manage care requirements in the program;
12 and that is principally targeted for complex medical or functional needs of veterans and
13 other eligible participants. "Veterans' adult day health care program" does not include a
14 program for adults provided by a licensed residential facility, a day activity program
15 licensed by the department or an adult day care program as defined in section 8601.

16 **§9002. Rules**

17 The department shall adopt rules for veterans' adult day health care programs, which
18 must include, but may not be limited to, rules pertaining to the health and safety of the
19 eligible participants and staff, the quality of the program provided, the administration of
20 medication and licensing procedures. Reimbursement to the provider of veterans' adult
21 day health care must be at the rate of 65% of the MaineCare reimbursement for nursing
22 facility care. The department shall use as guidance for the rules those established by the
23 United States Department of Veterans Affairs, 38 Code of Federal Regulations, Part 52.

24 **§9003. License**

25 **1. License required.** Beginning October 1, 2011, a person may not operate a
26 veterans' adult day health care program in this State without having obtained a license
27 from the department.

28 **2. Fee.** The department shall by rule establish a reasonable fee for a program
29 license.

30 **§9004. Fire safety**

31 **1. Inspection required.** A license may not be issued by the department for a
32 veterans' adult day health care program until the department has received from the
33 Commissioner of Public Safety a written statement signed by one of the officials
34 designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections
35 indicating that the program's facility is in compliance with the applicable fire safety
36 provisions in subsection 2 and Title 25, section 2452.

1 **2. Life Safety Code.** The written statement under subsection 1 must be furnished
2 annually to the department and must indicate that the veterans' adult day health care
3 program's facility is in compliance with the requirements of the National Fire Protection
4 Association Life Safety Code that are specified in:

5 A. The provisions relating to family day care homes, if the veterans' adult day health
6 care program has no more than 6 adults per session;

7 B. The provisions relating to group day care homes, if the veterans' adult day health
8 care program has at least 7 but no more than 12 adults per session; or

9 C. The provisions relating to child day care, if the veterans' adult day health care
10 program has 13 or more adults per session.

11 **3. Fees.** The department shall establish and pay reasonable fees to the Department of
12 Public Safety or a municipal official for each inspection under this section. Fees
13 collected by the Department of Public Safety under this subsection must be deposited into
14 a special revenue account to defray expenses in carrying out this section. Any balance of
15 fees may not lapse but must be carried forward as a continuing account to be expended
16 for the same purposes in the following fiscal years.

17 **§9005. Prohibited employment**

18 **1. Criminal history record information.** A veterans' adult day health care program
19 shall obtain criminal history record information about applicants for positions as
20 unlicensed assistive personnel as defined in section 1717, subsection 1, paragraph D and
21 may not hire an individual who:

22 A. Has worked as a certified nursing assistant and has been the subject of a notation
23 by the state survey agency for a substantiated complaint of abuse, neglect or
24 misappropriation of property in a health care setting that was entered on the Maine
25 Registry of Certified Nursing Assistants;

26 B. Has been convicted in a court of law of a crime involving abuse, neglect or
27 misappropriation of property in a health care setting; or

28 C. Has a prior criminal conviction within the last 10 years of:

29 (1) A crime for which incarceration of 3 years or more may be imposed under
30 the laws of the state in which the conviction occurred; or

31 (2) A crime for which incarceration of less than 3 years may be imposed under
32 the laws of the state in which the conviction occurred involving sexual
33 misconduct or involving abuse, neglect or exploitation in a setting other than a
34 health care setting.

35 **Sec. 2. Initial veterans' adult day health care program.** The Department of
36 Health and Human Services shall give initial consideration for licensure of a veterans'
37 adult day health care program under the Maine Revised Statutes, Title 22, chapter 1689 to
38 an applicant who proposes to establish a program in the Lewiston area.

1

SUMMARY

2 This bill establishes a model for adult day health care programs to serve Maine's
3 veterans and eligible family members. The model is based on United States Department
4 of Veterans Affairs program requirements and criteria, which promote home health care
5 and community-based outpatient care. This model is intended to reduce both short-term
6 and long-term costs of such care by utilizing community-based outpatient care options
7 and combining federal and state funding while providing a wider range of medical care
8 services, oversight and assistance with daily living for Maine's veterans and eligible
9 family members. The initial placement of a facility is intended to be in Lewiston, which
10 is an underserved area that is accessible to a significant population of eligible participants
11 and allows the facility to be colocated at existing outreach facilities for veterans.