

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 447

S.P. 179

In Senate, February 14, 2013

An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative BRIGGS of Mexico and
Senator: JACKSON of Aroostook, Representatives: GOODE of Bangor, HARLOW of
Portland, LONGSTAFF of Waterville, MONAGHAN-DERRIG of Cape Elizabeth,
PETERSON of Rumford, RUSSELL of Portland.

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

2 **Sec. 1. 22 MRSA §1833** is enacted to read:

3 **§1833. Information disclosure and patient choice**

4 The following provisions apply to hospitals, nursing facilities, hospice providers,
5 home health agencies and physicians licensed in the State in order to improve disclosure
6 of information to patients and increase patients' choices.

7 **1. Discharge from hospitals.** A hospital that is preparing to discharge a patient to a
8 nursing facility, hospice provider or home health agency shall provide to the patient or to
9 a representative of the patient information on the nursing facilities, hospice providers and
10 home health agencies available to the patient that are able to serve the patient's needs.
11 The information must include which physicians provide health care services in each
12 nursing facility, hospice provider and home health agency and any business connections
13 between those entities and the physicians.

14 **2. Nursing facility, hospice provider and home health agency information.** A
15 nursing facility, hospice provider or home health agency that accepts patients upon
16 discharge from a hospital shall on a regular basis provide information to the hospital on
17 physicians that provide health care services in the nursing facility, hospice provider or
18 home health agency and whether the physicians are accepting new patients. The
19 information must include the health care qualifications of the physicians and any business
20 connections the physicians have with each nursing facility, hospice provider, home health
21 agency or hospital, including ownership of the physicians' practices.

22 **3. Physician information.** A physician who accepts new patients upon discharge
23 from a hospital and admission to a nursing facility, hospice provider or home health
24 agency shall on a regular basis provide information to the hospital, nursing facility,
25 hospice provider or home health agency regarding whether the physician is accepting new
26 patients. The information must include the health care qualifications of the physician and
27 any business connections the physician has with each nursing facility, hospice provider,
28 home health agency or hospital, including ownership of the physician's practice.

29 **Sec. 2. Rules regarding the responsibilities of medical directors in**
30 **nursing facilities.** The Department of Health and Human Services shall amend its rules
31 regarding licensure of nursing facilities, Rule Chapter 110, chapter 16, to require that the
32 responsibilities of a facility's medical director meet the requirements of the guidelines for
33 nursing facilities issued by the United States Department of Health and Human Services,
34 Centers for Medicare and Medicaid Services. Rules adopted pursuant to this section are
35 routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375,
36 subchapter 2-A.

37 **SUMMARY**

38 This bill requires the disclosure of information to a patient who is being discharged
39 from a hospital to a nursing facility, hospice provider or home health agency regarding

1 the patient's health care options. It requires information sharing among physicians,
2 nursing facilities, hospice providers, home health agencies and hospitals to facilitate this
3 disclosure. It requires the information to include business connections among hospitals,
4 nursing facilities, hospice providers and home health agencies and physicians. The bill
5 also requires the Department of Health and Human Services to amend its rules on medical
6 directors in nursing facilities to make the rules consistent with federal requirements and
7 designates the rules as routine technical rules.