

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1849

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H.P. 1370

House of Representatives, December 22, 2021

### **An Act To Clarify Inspection Requirements for Hospitals and Certain Nursing Facilities**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MEYER of Eliot.

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

2 **Sec. 1. 22 MRSA §1816**, as amended by PL 2021, c. 398, Pt. MM, §1, is repealed  
3 and the following enacted in its place:

4 **§1816. Inspections**

5 **1. Inspection requirements.** Every building, institution or establishment for which a  
6 license has been issued must be periodically inspected by duly appointed representatives  
7 of the Office of MaineCare Services under the rules adopted by the department. An  
8 institution licensed pursuant to this chapter may not be required to be licensed or inspected  
9 under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses  
10 and places of refreshments. A license may not be issued until the applicant has furnished  
11 the department with a written statement signed by the Commissioner of Public Safety or  
12 the proper municipal official designated in Title 25, chapters 313 to 321 to make fire safety  
13 inspections that the home and premises comply with Title 25, chapters 313 to 321 relating  
14 to fire safety. The department shall establish and pay reasonable fees to the municipal  
15 official or the Commissioner of Public Safety for each such inspection. This written  
16 statement must be furnished prior to licensure.

17 **2. Accredited hospitals.** A hospital licensed under this chapter is exempt from  
18 department inspection requirements under this chapter if:

19 **A.** The hospital is certified by the Centers for Medicare and Medicaid Services for  
20 participation in the federal Medicare program and holds full accreditation status by a  
21 health care facility accrediting organization recognized by the Centers for Medicare  
22 and Medicaid Services; and

23 **B.** The hospital provides a copy of the survey findings of the health care facility  
24 accrediting organization described in paragraph A, including a statement of  
25 deficiencies, and the hospital's final plan of correction for any identified deficiencies  
26 that is accepted by the health care facility accrediting organization.

27 **3. Nonaccredited hospitals.** If a hospital is certified to participate in the federal  
28 Medicare program and is not accredited by a health care facility accrediting organization  
29 recognized by the Centers for Medicare and Medicaid Services, the department shall  
30 inspect the hospital every 3 years for compliance with the Centers for Medicare and  
31 Medicaid Services' conditions of participation.

32 **4. Hospitals not exempt.** The provisions of subsections 2 and 3 do not exempt a  
33 hospital from an inspection by the department in response to a complaint or suspected  
34 violation of this chapter or of the Centers for Medicare and Medicaid Services' conditions  
35 of participation or an inspection by another state agency or municipality for building code,  
36 fire code, life safety code or other purposes unrelated to health care facility licensing or  
37 accreditation.

38 For purposes of this section, "Centers for Medicare and Medicaid Services" means the  
39 United States Department of Health and Human Services, Centers for Medicare and  
40 Medicaid Services.

1 **SUMMARY**

2 This bill removes the requirement for nursing facilities providing both nursing home  
3 and assisted living services to receive a single coordinated licensing and fire code  
4 inspection. Nursing home services inspections occur at varied intervals between 9 and 15  
5 months apart based on a facility's performance with the United States Department of Health  
6 and Human Services, Centers for Medicare and Medicaid Services' conditions of  
7 participation, while assisted living services inspections occur on a 2-year cycle and are  
8 required prior to issuance of full licensure, making the requirement in current law not  
9 feasible.

10 The bill provides that a hospital is exempt from inspection by the Maine Department  
11 of Health and Human Services if it submits to the department a copy of its accreditation  
12 survey results completed by a health care facility accrediting organization, including a  
13 statement of any deficiencies and corresponding plan of correction.