

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 292, L D 475, "An Act to Simplify and Clarify the Licensing of Assisted Housing Facilities"

Amend the bill in section 7 in §7851 in subsection 2 by striking out all of paragraph A (page 4, lines 3 and 4 in L D) and inserting the following

'A Independent housing with services programs, as defined in section 7852, subsection 6,'

Amend the bill in section 7 in §7851 in subsection 3 in the 2nd line (page 4, line 8 in L D) by inserting after the following "by" the following 'subsection 3-A and'

Amend the bill in section 7 in §7851 in subsection 3 in the 3rd line (page 4, line 9 in L D) by inserting after the following "by" the following 'subsection 3-A and'

Amend the bill in section 7 in §7851 by inserting after subsection 3 the following

3-A. Multiple licenses; limitations. This subsection governs the department's issuance of multiple licenses to assisted living facilities and residential care facilities

A Except as provided in paragraph B, beginning October 1, 2023, the department may not issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license for services offered in the same location

B The department may issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license that, on October 1, 2023, held more than one license at the same license level for services offered in the same location

The department shall adopt rules to define license levels for assisted living facilities and residential care facilities. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by striking out all of section 9 and inserting the following

'Sec. 9. 22 MRSA §7852, sub-§2-A is enacted to read

1 2-A. Assisting housing facility. "Assisted housing facility" means an assisted living
2 facility, a residential care facility or an independent housing with services program '

3 Amend the bill by striking out all of section 14 and inserting the following:

4 'Sec. 14. 22 MRSA §7852, sub-§6, as enacted by PL 2001, c 596, Pt. A, §1 and
5 affected by Pt B, §25, is amended to read

6 **6. Independent housing with services program.** "Independent housing with services
7 program" means a program of assisted housing supportive services provided to residents in
8 private apartments ~~in buildings that include a common dining area, either directly by the~~
9 ~~provider or indirectly through contracts with persons, entities or agencies who receive~~
10 funds through a written agreement with the department's office of aging and disability
11 services '

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively

14 **SUMMARY**

15 This amendment retains the definition of "independent housing with services program"
16 and clarifies the manner in which these programs are funded. It provides that an applicant
17 for an assisted living facility or residential care facility license may not receive more than
18 one license at the same license level for services offered in the same location maintained
19 wholly or in part for the purpose of providing assisted living services or residential care
20 services. It provides that an assisted living facility or residential care facility that,
21 beginning on October 1, 2023, holds more than one license at the same license level for
22 services offered in the same location maintained wholly or in part for the purpose of
23 providing services is exempt from this prohibition. The department may continue to issue
24 such applicants more than one license at the same license level if all other licensure
25 requirements are met