

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1131

H.P. 716

House of Representatives, March 9, 2023

**An Act to Support Continuity in Perinatal and Emergency Care by
Requiring Notice of a Voluntary Hospital or Facility Closure or
Reduction in Services**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

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

2 **Sec. 1. 22 MRSA §1822**, as amended by PL 2019, c. 501, §11, is repealed and the
3 following enacted in its place:

4 **§1822. Notice of voluntary closure or reduction in services of hospital, sanatorium,**
5 **convalescent home, rest home, nursing home or similar institution**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Closure plan monitor" means a person whose purpose is to ensure that a facility or
9 hospital is following its closure or reduction plan under subsection 3 and that patient
10 needs and preferences are being considered and honored whenever possible.

11 B. "Emergency department" means the unit of a hospital licensed in accordance with
12 this chapter that provides 24-hour emergency medical care services to an unscheduled
13 patient population.

14 C. "Facility" means a sanatorium, convalescent home, rest home, nursing home or
15 similar institution.

16 D. "Hospital" means a hospital licensed in accordance with this chapter and any unit
17 or facility of a hospital providing specialized care services, including, but not limited
18 to, perinatal care services.

19 E. "Perinatal care services" means maternal and infant health improvement services
20 and ancillary services that are appropriate for women and infants during the perinatal
21 period.

22 F. "Perinatal period" means the period of time that begins before conception and ends
23 on an infant's first birthday.

24 **2. Notice; timeline.** This subsection governs the required notice of a voluntary closing
25 of a facility or hospital or reduction in services provided by the facility or hospital governed
26 by this section.

27 A. Except as provided in paragraph B, a person, including a county or local government
28 unit, that is licensed in accordance with this chapter to conduct, manage or operate a
29 facility shall give to the patients and governmental units or institutions that are
30 primarily responsible for the welfare of those patients at least 60 days' notice of the
31 voluntary closing of the facility or reduction in services provided by the facility so that
32 adequate preparation may be made for the orderly transfer of the patients to another
33 qualified facility.

34 B. A person, including a county or local government unit, that is licensed in accordance
35 with this chapter to conduct, manage or operate a hospital shall give the following
36 notice of the voluntary closing of the hospital or reduction in services provided by the
37 hospital so that adequate preparation may be made for the orderly transfer of the
38 patients to another qualified hospital:

39 (1) To the department and the Emergency Medical Services' Board under Title 32,
40 section 88, 180 days' notice; and

1 hospital to engage in a root cause analysis for the decision and to develop a closure or
2 reduction plan.