

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 1063

S. P. 405

In Senate, March 29, 1945.

Reported by Senator Clough from Committee on Public Health and laid on table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
" FORTY-FIVE

**AN ACT Relating to Licensing Hospitals and Related Institutions in the
State of Maine.**

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

Sec. 1. R. S., c. 22, §§ 253-A - 253-J, additional. Chapter 22 of revised statutes is hereby amended by adding thereto 10 new sections to be numbered 253-A to 253-J, inclusive, to read as follows :

‘Sec. 253-A. **Hospitals must obtain licenses; definitions.** No person, partnership, association or corporation, nor any county or local governmental units, shall establish, conduct or maintain in the state any hospital (including any maternity home or hospital), sanatorium, convalescent home, rest home, nursing home, or other institution for the hospitalization and/or nursing care of human beings without first obtaining a license therefor in the manner hereinafter provided. Hospital, sanatorium, convalescent home, rest home, nursing home, and other related institution, within the meaning of sections 253-A to 253-J, inclusive, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Provided, however, that nothing in sections 253-A to 253-J, inclusive, shall apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the

aged or blind as may be subject to licensing under any other provision of law.'

'Sec. 253-B. Definition of a maternity home or hospital. A maternity home or hospital shall be defined as a place admitting within a 6-months' period more than one woman not related by blood or marriage to the operator of the home or hospital for care during pregnancy, delivery, or the puerperal period, admissions for the latter being restricted to those within 10 days after child birth.'

'Sec. 253-C. Existing hospitals to obtain licenses. No person, partnership, association or corporation, nor any county or local governmental units may continue to operate an existing hospital, maternity home or hospital, sanatorium, convalescent home, rest home, or nursing home, nor open a hospital, maternity home or hospital, sanatorium, convalescent home, rest home or nursing home after January 1, 1946 unless such operation shall have been approved and regularly licensed by the state as hereinafter provided.'

'Sec. 253-D. Application for licenses. Any person, partnership, association or corporation, including county or local governmental units, desiring a license hereunder shall file with the state department of health and welfare, hereinafter referred to as the department, a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof. Application on behalf of a corporation or association or governmental units shall be made by any 2 officers thereof or by its managing agents. All applicants shall submit satisfactory evidence of their ability to comply with the minimum standards of sections 253-A to 253-J, inclusive, and all regulations adopted thereunder.'

'Sec. 253-E. Fees. Each application for a license to operate a hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home, or related institution, within the meaning of sections 253-A to 253-J, inclusive, shall be accompanied by a fee of \$5. No such fee shall be refunded. All licenses issued hereunder shall be renewed annually upon payment of a like fee. All fees received by the department under the provisions of sections 253-A to 253-J, inclusive, shall be paid into the state treasury to the credit of the department for the purpose of carrying out the general provisions of sections 253-A to 253-J, inclusive. No license granted hereunder shall be assignable or transferable.'

'Sec. 253-F. Inspections. Every building, institution or establishment

for which a license has been issued shall be periodically inspected by duly appointed representatives of the bureau of health under the rules and regulations to be established by said department. No institution of any kind licensed pursuant to the provisions of sections 253-A to 253-J, inclusive, shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment.'

'Sec. 253-G. Department to issue licenses. The department is hereby authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes, or other related institutions as herein defined, which, after inspection, are found to comply with the provisions of sections 253-A to 253-J, inclusive, and any reasonable regulations adopted by said department. The department is hereby authorized to suspend or revoke a license issued hereunder on any of the following grounds: violation of any of the provisions of sections 253-A to 253-J, inclusive, or the rules or regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient. Provided that before any such license hereunder is suspended or revoked, 30 days' written notice shall be given the holder thereof. If a license is revoked as herein provided, a new application for license may be considered by the department if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 253-A to 253-J, inclusive, and rules and regulations thereunder as heretofore or hereinafter provided have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the department.'

'Sec. 253-H. Right of appeal. Any person who is aggrieved by the decision of the department under the provisions of sections 253-A to 253-J, inclusive, shall have a right of appeal to the commissioner of health and welfare, who shall provide the appellant with reasonable notice and opportunity for a fair hearing; or to the superior court within and for the county in which such person resides or in which any such hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution is situated.'

'Sec. 253-I. Standards established. The department shall have the power to establish reasonable standards under the provisions of sections 253-A to 253-J, inclusive, which it finds to be necessary and in the public

interest and may rescind or modify such regulations from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions of said sections. Provided, however, that no standards, rules or regulations of the department pursuant to this act shall be adopted or enforced which would have the effect of denying a license to any hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; provided such school or system of practice is recognized by the laws of this state.'

'Sec. 253-J. Violations; penalties. Any person, partnership, association or corporation, including county or local governmental units, establishing, conducting, managing or operating any hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home, or institution within the meaning of sections 253-A to 253-J, inclusive, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of said sections or regulations thereunder, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days.'

Sec. 2. R. S., c. 22, § 254, repealed. Section 254 of chapter 22 of the revised statutes is hereby repealed.