

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2011**

**11. Audit information and reports.** A preliminary audit report must be delivered to the pharmacy within 60 days after the conclusion of the audit under subsection 10. A pharmacy must be allowed at least 30 days following receipt of the preliminary audit to provide documentation to address any discrepancy found in the audit. A final audit report must be delivered to the pharmacy within 90 days after receipt of the preliminary audit report or final appeal, whichever is later. A charge-back, recoupment or other penalty may not be assessed until the appeal process provided by the pharmacy benefits manager has been exhausted and the final report issued. Except as provided by state or federal law, audit information may not be shared. Auditors may have access only to previous audit reports on a particular pharmacy conducted by that same entity.

See title page for effective date.

**CHAPTER 444**

**S.P. 277 - L.D. 873**

**An Act To Promote the  
Establishment of an Adult Day  
Health Care Program for  
Veterans in Lewiston**

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

**Sec. 1. 22 MRSA c. 1689** is enacted to read:

**CHAPTER 1689**

**VETERANS' ADULT DAY HEALTH CARE  
PROGRAMS**

**§9001. Definition**

For purposes of this chapter, "veterans' adult day health care program" or "program" means a therapeutic health maintenance and rehabilitative services to participants eligible for services under Title 37-B, chapter 11; that provides individualized care delivered by an interdisciplinary health care team and support staff, with an emphasis on helping participants and their caregivers to develop the knowledge and skills necessary to manage care requirements in the program; and that is principally targeted for complex medical or functional needs of veterans and other eligible participants. "Veterans' adult day health care program" does not include a program for adults provided by a licensed residential facility, a day activity program licensed by the department or an adult day care program as defined in section 8601.

**§9002. Rules**

The department shall adopt rules for veterans' adult day health care programs, which must include,

but may not be limited to, rules pertaining to the health and safety of the eligible participants and staff, the quality of the program provided, the administration of medication and licensing procedures. Reimbursement to the provider of veterans' adult day health care must be at the rate of 65% of the MaineCare reimbursement for nursing facility care. The department shall use as guidance for the rules those established by the United States Department of Veterans Affairs, 38 Code of Federal Regulations, Part 52.

**§9003. License**

**1. License required.** Beginning October 1, 2011, a person may not operate a veterans' adult day health care program in this State without having obtained a license from the department.

**2. Fee.** The department shall by rule establish a reasonable fee for a program license.

**§9004. Fire safety**

**1. Inspection required.** A license may not be issued by the department for a veterans' adult day health care program until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections indicating that the program's facility is in compliance with the applicable fire safety provisions in subsection 2 and Title 25, section 2452.

**2. Life Safety Code.** The written statement under subsection 1 must be furnished annually to the department and must indicate that the veterans' adult day health care program's facility is in compliance with the requirements of the National Fire Protection Association Life Safety Code that are specified in:

A. The provisions relating to family day care homes, if the veterans' adult day health care program has no more than 6 adults per session;

B. The provisions relating to group day care homes, if the veterans' adult day health care program has at least 7 but no more than 12 adults per session; or

C. The provisions relating to child day care, if the veterans' adult day health care program has 13 or more adults per session.

**3. Fees.** The department shall establish and pay reasonable fees to the Department of Public Safety or a municipal official for each inspection under this section. Fees collected by the Department of Public Safety under this subsection must be deposited into a special revenue account to defray expenses in carrying out this section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**§9005. Prohibited employment**

**1. Criminal history record information.** A veterans' adult day health care program shall obtain criminal history record information about applicants for positions as unlicensed assistive personnel as defined in section 1717, subsection 1, paragraph D and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants;

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or

C. Has a prior criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting.

**Sec. 2. Initial veterans' adult day health care program.** The Department of Health and Human Services shall give initial consideration for licensure of a veterans' adult day health care program under the Maine Revised Statutes, Title 22, chapter 1689 to an applicant who proposes to establish a program in the Lewiston area.

See title page for effective date.

**CHAPTER 445**

**H.P. 955 - L.D. 1303**

**An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner**

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

**Sec. 1. 22 MRSA §3024, 4th ¶,** as amended by PL 2001, c. 222, §3, is further amended to read:

The Chief Medical Examiner may authorize any other expenses necessary to carry out the Chief Medical Examiner's duties. The Chief Medical Examiner

shall reimburse a funeral establishment that transports a body to Augusta at the request of the Office of Chief Medical Examiner at the following rates: for up to and including the first 25 miles, \$120; for the next 25 miles, \$2 per mile traveled while actually transporting a body; and for miles in excess of 50, \$1.75 per mile traveled while actually transporting a body.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Chief Medical Examiner - Office of 0412**

Initiative: Provides funds to increase the reimbursement rate paid to a funeral home for transporting a body to the State Medical Examiner.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$35,000
GENERAL FUND TOTAL	\$0	\$35,000

**Sec. 3. Effective date.** This Act takes effect July 1, 2012.

Effective July 1, 2012.

**CHAPTER 446**

**S.P. 466 - L.D. 1488**

**An Act To Create Innovative Public School Zones and Innovative Public School Districts**

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

**Sec. 1. 20-A MRSA c. 114-A** is enacted to read:

**CHAPTER 114-A**

**FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES**

**§2651. Fund for the Efficient Delivery of Educational Services**

**1. Fund created.** The Fund for the Efficient Delivery of Educational Services, referred to in this chapter as "the fund" is created to assist in financing the cost of local and regional initiatives to improve educational opportunity and student achievement through more efficient delivery of educational services. The fund is a dedicated, nonlapsing account within the department.