

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1370 - L.D. 1849

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

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

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 MM, §1, is repealed and the following enacted in its place:

§1816. Inspections

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

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

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

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

statement of deficiencies and the hospital's final plan of correction provided pursuant to this subsection are confidential.

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

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

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