

131st MAINE LEGISLATURE

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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.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative STOVER of Boothbay.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 22 MRSA §1822, as amended by PL 2019, c. 501, §11, is repealed and the following enacted in its place:
4 5	§1822. Notice of voluntary closure or reduction in services of hospital, sanatorium, convalescent home, rest home, nursing home or similar institution
6 7	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
8 9 10	A. "Closure plan monitor" means a person whose purpose is to ensure that a facility or hospital is following its closure or reduction plan under subsection 3 and that patient needs and preferences are being considered and honored whenever possible.
11 12 13	B. "Emergency department" means the unit of a hospital licensed in accordance with this chapter that provides 24-hour emergency medical care services to an unscheduled patient population.
14 15	C. "Facility" means a sanatorium, convalescent home, rest home, nursing home or similar institution.
16 17 18	D. "Hospital" means a hospital licensed in accordance with this chapter and any unit or facility of a hospital providing specialized care services, including, but not limited to, perinatal care services.
19 20 21	E. "Perinatal care services" means maternal and infant health improvement services and ancillary services that are appropriate for women and infants during the perinatal period.
22 23	F. "Perinatal period" means the period of time that begins before conception and ends on an infant's first birthday.
24 25 26	2. Notice; timeline. This subsection governs the required notice of a voluntary closing of a facility or hospital or reduction in services provided by the facility or hospital governed by this section.
27 28 29 30 31 32 33	A. Except as provided in paragraph B, a person, including a county or local government unit, that is licensed in accordance with this chapter to conduct, manage or operate a facility shall give to the patients and governmental units or institutions that are primarily responsible for the welfare of those patients at least 60 days' notice of the voluntary closing of the facility or reduction in services provided by the facility so that adequate preparation may be made for the orderly transfer of the patients to another qualified facility.
34 35 36 37 38	B. A person, including a county or local government unit, that is licensed in accordance with this chapter to conduct, manage or operate a hospital shall give the following notice of the voluntary closing of the hospital or reduction in services provided by the hospital so that adequate preparation may be made for the orderly transfer of the patients to another qualified hospital:
39 40	(1) To the department and the Emergency Medical Services' Board under Title 32, section 88, 180 days' notice; and

1 2 3	(2) To the patients and governmental units or institutions that are primarily responsible for the welfare of those patients, including emergency services agencies that regularly serve the hospital, 135 days' notice.
4 5	3. Notice; requirements. Notice provided pursuant to subsection 2 must include the following information:
6 7	A. A credible root cause analysis of the factors contributing to the decision to close the facility or hospital or reduce the services provided by the facility or hospital, including:
8 9	(1) Interventions considered or implemented by the facility or hospital to prevent its closure or reduction in services;
10	(2) Analysis of why the interventions implemented were not effective;
11 12	(3) The rationale for a decision that identified interventions that were considered but not implemented; and
13 14	(4) Evidence of what the facility or hospital considered before reaching a decision regarding whether to contract with a closure plan monitor; and
15 16	B. A copy of the closure or reduction plan for the services provided by the facility or hospital that addresses the facility's or hospital's plan to:
17 18	(1) Make referrals to other facilities or hospitals or other providers in a manner that includes patient choice and preferences and continuity of care;
19 20 21	(2) Monitor and assist patients and their guardians, legal representatives and families with the psychosocial effect of the closure or reduction in services on patients;
22 23	(3) Transfer patients' medical records and pending tests in a manner that includes continuity of care and procedures to ensure no undue delay in patient care;
24 25 26	(4) Address the effect on inpatients relating to transportation to a new facility or hospital in a manner that promotes appropriate and timely continuity of care and minimizes the psychosocial effect of the transportation;
27 28	(5) Notify and coordinate with other facilities and hospitals and other providers that could be affected by the closure or reduction in services;
29 30 31	(6) Notify the public emergency services agencies that regularly serve the hospital and governmental units or institutions of the planned closure or reduction in services; and
32 33 34 35 36	(7) If the closure or reduction in services affects perinatal care services, address emergencies related to the perinatal period by developing policies and procedures regarding emergency perinatal care services and training for emergency department and family practice staff on emergency perinatal care services that incorporates teaching with examples and simulations.
37	SUMMARY
38 39 40	This bill requires a sanatorium, convalescent home, rest home, nursing home or similar institution or hospital to give notice of the voluntary closure of the facility or hospital or reduction in services provided by the facility or hospital. The bill requires the facility or

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