**§7851. Assisted housing facilities**

Assisted housing facilities are authorized under this chapter in the following settings and subject to the following standards and licensure requirements. [PL 2023, c. 176, §7 (AMD).]

**1. Standards.**  Assisted housing facilities further the independence of the resident and respect the privacy and personal choices of the resident, including the choice to continue to reside at home for so long as the assisted housing facility, as it is fundamentally designed, is able to meet the needs of the resident. Assisted housing facilities provided to residents must be consumer oriented and meet professional standards of quality.

[PL 2023, c. 176, §7 (AMD).]

**2. Settings.**  Assisted housing facilities consist of the following settings:

A. Independent housing with services programs, as defined in section 7852, subsection 6; [PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

B. Assisted living facilities, as defined in section 7852, subsection 4‑A; or [PL 2023, c. 176, §7 (AMD).]

C. Residential care facilities, as defined in section 7852, subsection 14. [PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

[PL 2023, c. 176, §7 (AMD).]

**3. Licensure requirements.**  Licensure of assisted living facilities is governed by subsection 3‑A and section 7801, subsection 1. Licensure of residential care facilities is governed by subsection 3‑A and section 7801, subsections 1 and 3.

[PL 2023, c. 176, §7 (AMD).]

**3-A. Multiple licenses; limitations.**  This subsection governs the department's issuance of multiple licenses to assisted living facilities and residential care facilities.

A. Except as provided in paragraph B, beginning October 1, 2023, the department may not issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license for services offered in the same location. [PL 2023, c. 176, §7 (NEW).]

B. The department may issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license that, on October 1, 2023, held more than one license at the same license level for services offered in the same location. [PL 2023, c. 176, §7 (NEW).]

The department shall adopt rules to define license levels for assisted living facilities and residential care facilities. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2‑A.

[PL 2023, c. 176, §7 (NEW).]

**4. Prohibited employment based on disqualifying offenses.**  A licensed assisted housing facility shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A‑2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812‑G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including a certified nursing assistant or a direct care worker.

The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2‑A.

[PL 2023, c. 176, §7 (AMD).]

SECTION HISTORY

PL 2001, c. 596, §A1 (NEW). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 634, §6 (AMD). PL 2015, c. 196, §14 (AMD). PL 2015, c. 299, §22 (AMD). PL 2015, c. 494, Pt. A, §25 (AMD). PL 2023, c. 176, §7 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.