

# An Introduction to the Division of Licensing and Certification

Legislative Orientation Prepared for the  
129<sup>th</sup> Legislative Session  
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# Division of Licensing and Certification: Protecting Maine's Most Vulnerable Citizens

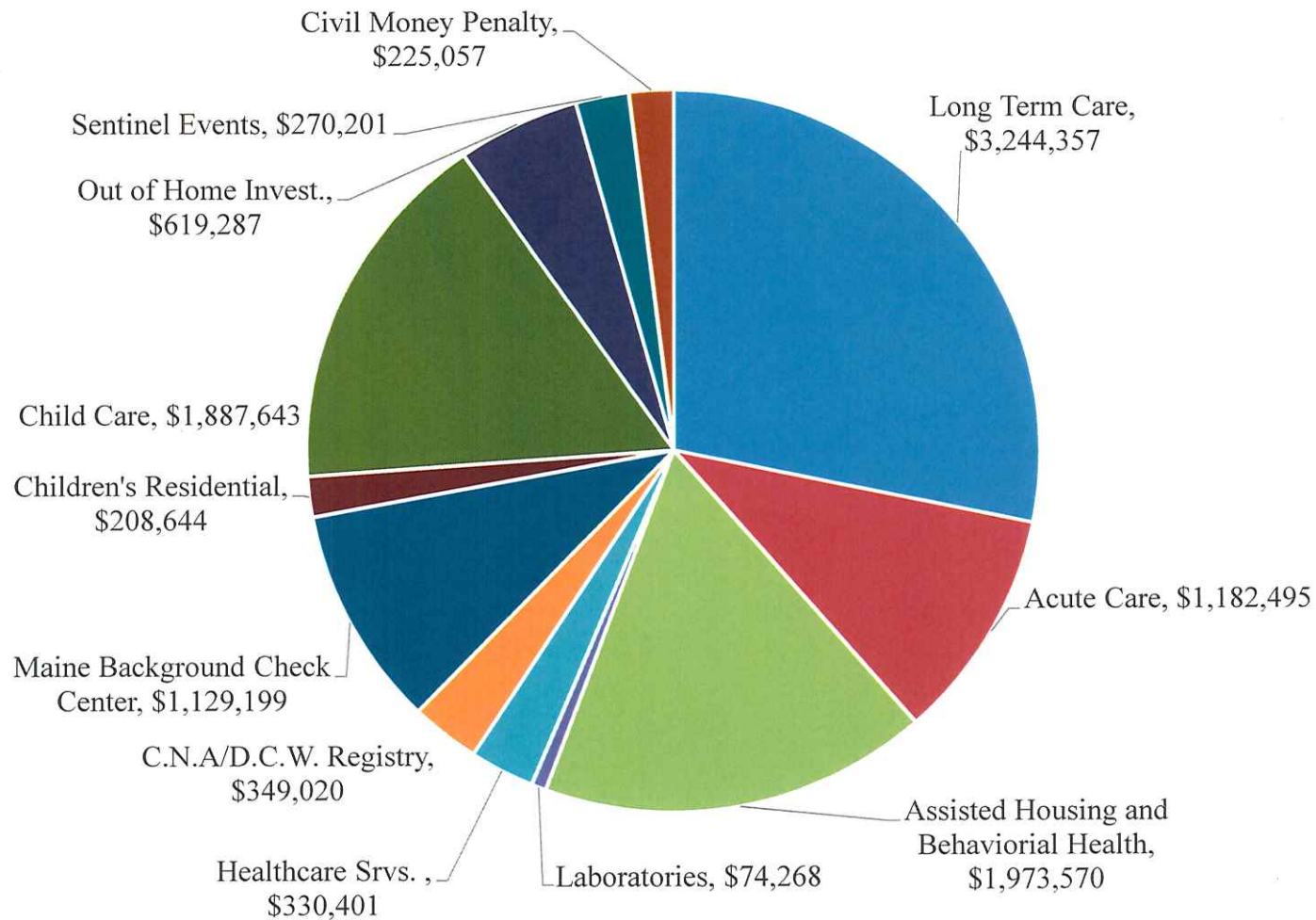
The mission of the Division of Licensing and Certification is to ensure Maine's most vulnerable citizens are protected from abuse and neglect and receive high-quality care within the state's healthcare and social services systems.

## The Office At a Glance

<b>Positions:</b>	<b>105</b>
<b>SFY '18 Expenditures:</b>	<b>\$11,843,752</b>

# Division of Licensing and Certification

## SFY' 18 Expenditures by Appropriation



# Division of Licensing and Certification

## Functional Areas

The Division of Licensing and Certification (DLC) has three main functional areas:

**Medical Facilities** – responsible for federal certification, state licensing and complaint investigations of healthcare providers, within our jurisdiction, throughout the state.

**Healthcare Services Oversight** – responsible for other regulatory oversight of healthcare facilities.

**Children's Licensing and Investigation Services** – responsible for licensing and oversight of child care providers, family child care providers, nursery schools, children's residential care facilities, child placing agencies, emergency and homeless youth shelters. Also investigates child abuse and neglect in out-of-home settings.

## Division of Licensing and Certification Medical Facilities

Medical Facilities: DLC provides federal certification and state licensing for the following facilities

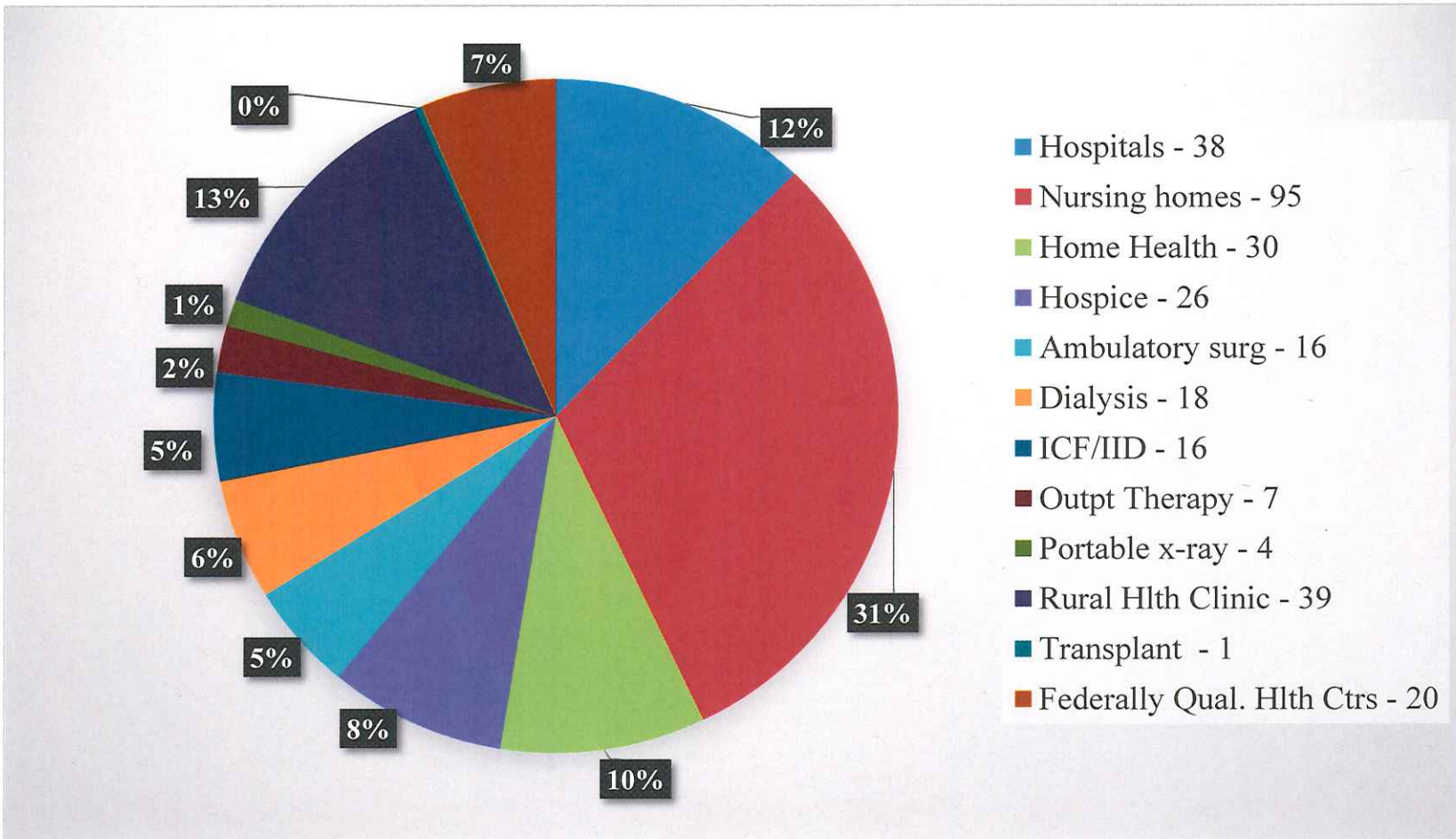
- ❑ **Long term care** – nursing and skilled nursing facilities
- ❑ **Acute care** – hospitals, home health agencies, ambulatory surgical centers, hospices, dialysis centers, outpatient therapy providers, portable x-rays, rural health clinics, federally qualified health centers, intermediate care facilities for individuals with intellectual disabilities, transplant centers, and laboratories
- ❑ **Assisted Housing/Behavioral Health** – adult day care, assisted living facilities, residential care facilities, behavioral health providers, and substance abuse agencies

## Division of Licensing and Certification Medical Facilities

- ❑ DLC licenses and/or certifies over 2,000 medical facilities including hospitals, nursing homes, ambulatory surgical centers, home health agencies, hospices, dialysis centers, outpatient rehabilitation, rural health clinics, federally qualified health centers, intermediate care facilities for individuals with intellectual disabilities, portable x-ray, transplant programs, clinical laboratories, assisted housing providers, and behavioral health/substance abuse programs.
- ❑ DLC Registers 167 personal care agencies, 102 temporary nurse agencies, and 7 placement agencies.
- ❑ DLC is the State Agency contracted to the Centers for Medicare and Medicaid Services for the purpose of overseeing all federally certified healthcare facilities within the state.
- ❑ In 2018, DLC received and reviewed over 6,500 complaint allegations related to medical facilities and triaged these for the appropriate level of investigation. In 2018, DLC conducted 1,700 complaint investigations.

# Division of Licensing

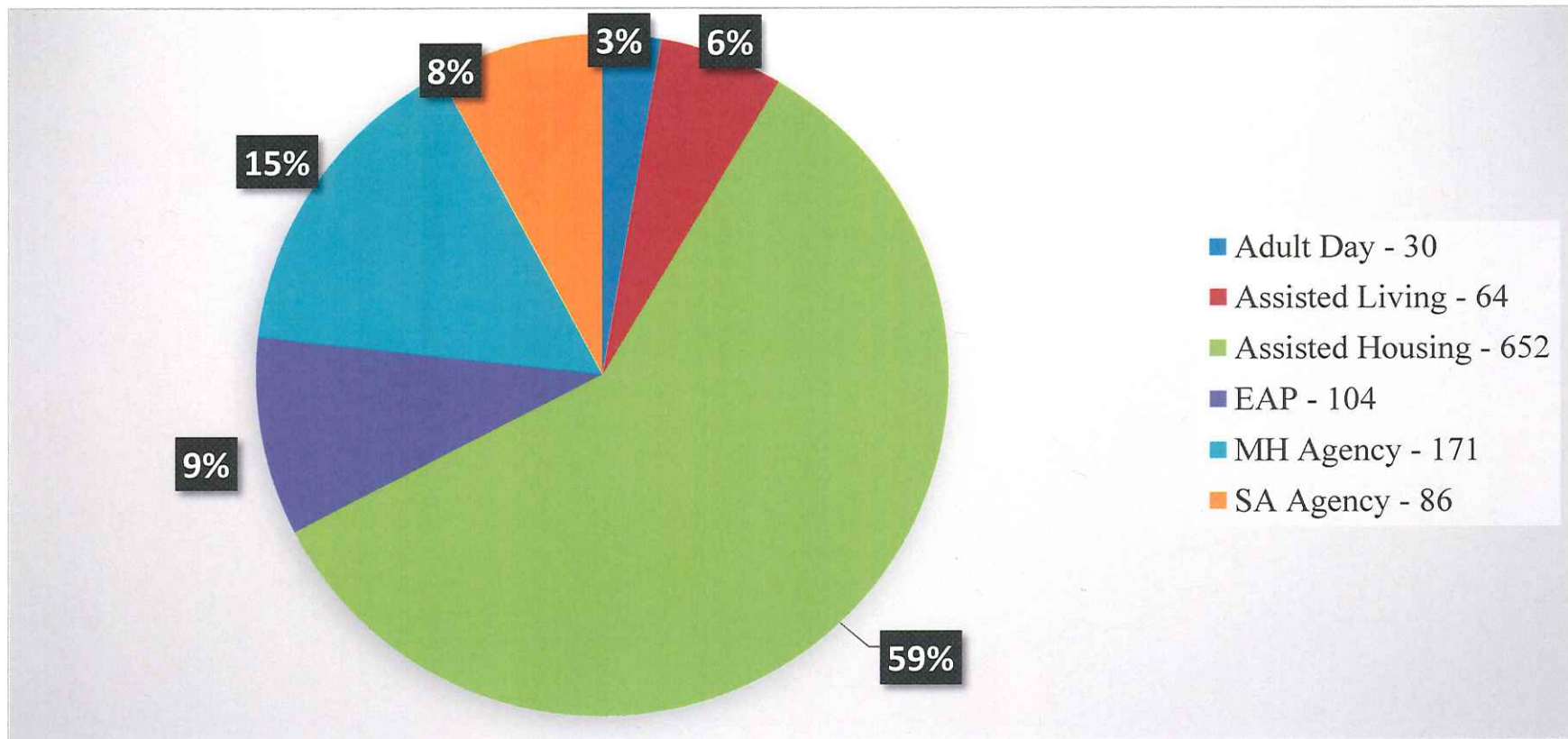
## Medical Facilities – Federally Certified Facilities by Type (DLC also certifies over 1,000 clinical laboratories)



## Division of Licensing

### Medical Facilities – Assisted Housing and Behavioral Health by Type

This program licenses facilities that range in size from apartments with 1-2 residents to large facilities with over 125 residents. Behavioral health/substance abuse programs are operated in over 1,200 sites.





## Division of Licensing and Certification Healthcare Services Oversight

Healthcare Services Oversight is responsible for ensuring compliance with other regulatory requirements of healthcare facilities throughout the state.

**Health Care Oversight Unit** – Certificate of Need, Charity Care Guidelines for Hospitals, Continuing Care Retirement Communities, tracking of nursing home and residential care beds.

**Sentinel Events Unit** – Oversees mandatory reporting of sentinel events for hospitals, ambulatory surgical centers, dialysis centers and ICF/IID facilities.

**Workforce Development** – Operates the Certified Nursing Assistant/Direct Access Worker registry.

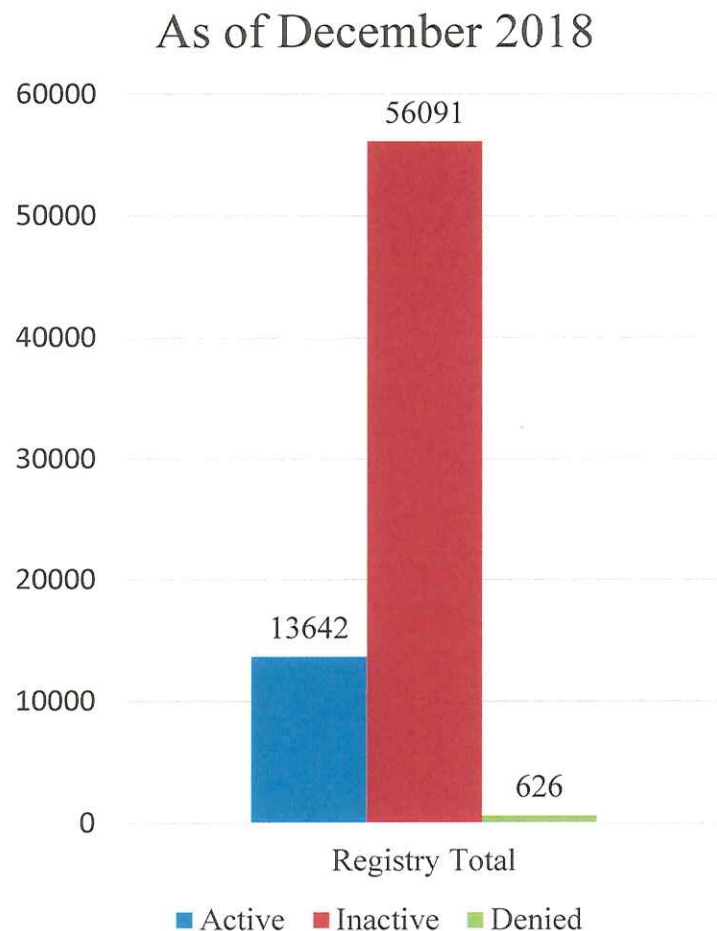
**Maine Background Check Center** – Provides an internet system for conducting background checks of direct access workers for nursing homes, assisted housing facilities, home health and hospice facilities, personal care agencies/placement agencies, behavioral health and substance abuse providers, and child care providers.

## Division of Licensing and Certification Healthcare Services Oversight

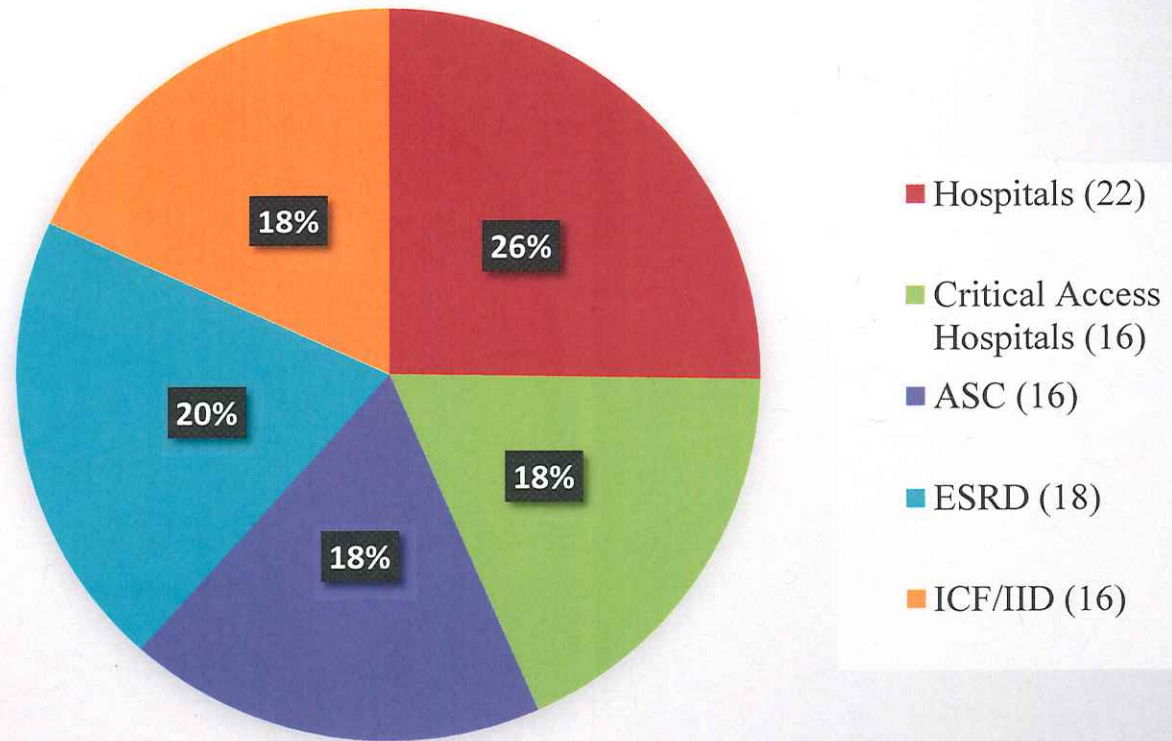
- ❑ DLC supports workforce development through maintenance of the Certified Nursing Assistants and Direct Care Worker Registry, and oversight of training for Personal Service Specialists and Certified Residential Medication Aides. There are 13,642 active Certified Nursing Assistants currently on the Registry.
- ❑ Maine is one of 28 states that has mandatory reporting of sentinel events by healthcare facilities. Covered providers are required to notify the Sentinel Event Team of serious adverse events within 24 hours of becoming aware of the event. Facilities must submit root cause analyses for sentinel events within 45 days of the report. The Sentinel Events Team maintains a database of sentinel events, causal factors and interventions. An annual report is sent to the Legislature.
- ❑ The Certificate of Need (CON) Unit is tasked with reviewing specified healthcare providers with regard to construction and modification of facilities, changes in ownership, capital expenditures and purchased of major medical equipment.
- ❑ Operating since March 2017, The Maine Background Check Center has developed an interactive website and program for employers in more than 15 different health-related fields to verify the backgrounds of prospective employees ensuring residents and patients are protected.

## Division of Licensing and Certification Certified Nursing Assistant/Direct Care Workers Registry

DLC maintains a Registry of more than 72,000 C.N.A.s, of which 13,642 are active. The Registry is publicly accessible and includes a listing of individuals who may no longer be certified as a CNA as the result of criminal convictions or annotation for abuse, neglect or misappropriation of property. Upon promulgation of the new rules governing the Registry, direct care workers who have a criminal conviction or annotation of abuse, neglect or misappropriation of property will also be listed on the Registry.



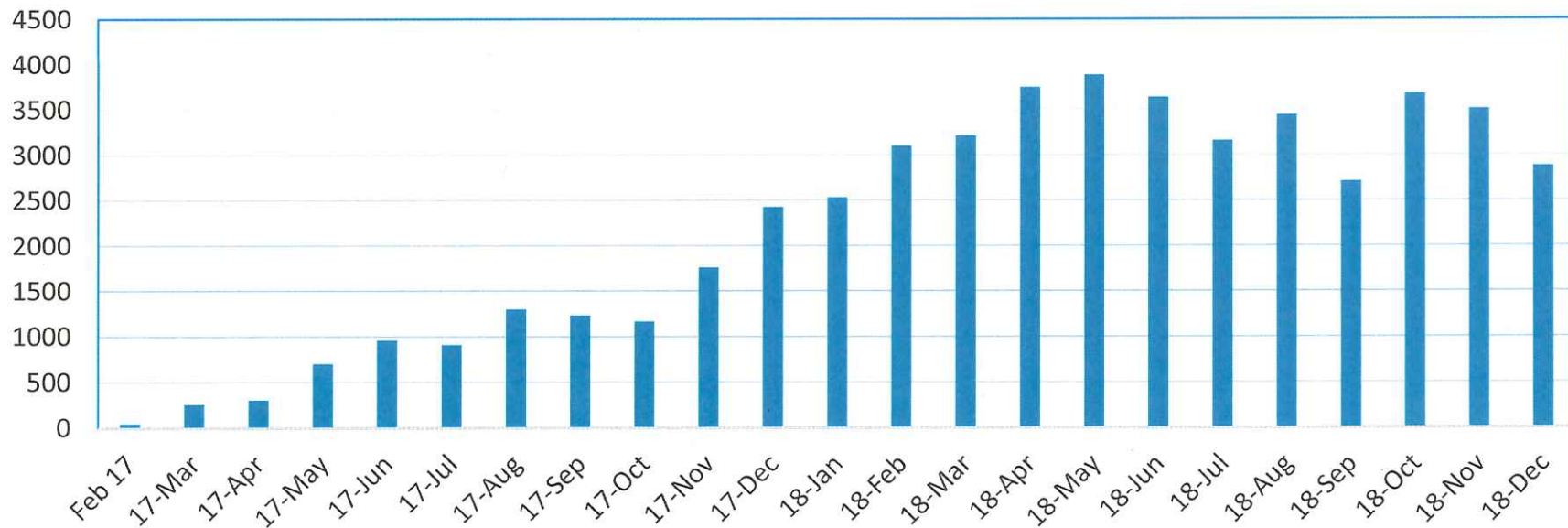
## Division of Licensing and Certification Facilities Covered by Sentinel Events by Type



## Division of Licensing and Certification Maine Background Check Center

Operating since March 2017, The Maine Background Check Center has developed an interactive website and program for employers in more than 15 different health-related fields to verify the backgrounds of prospective employees ensuring residents and patients are protected. Since beginning operations, the Center has processed 50,496 applications through December 2018

### Background Checks

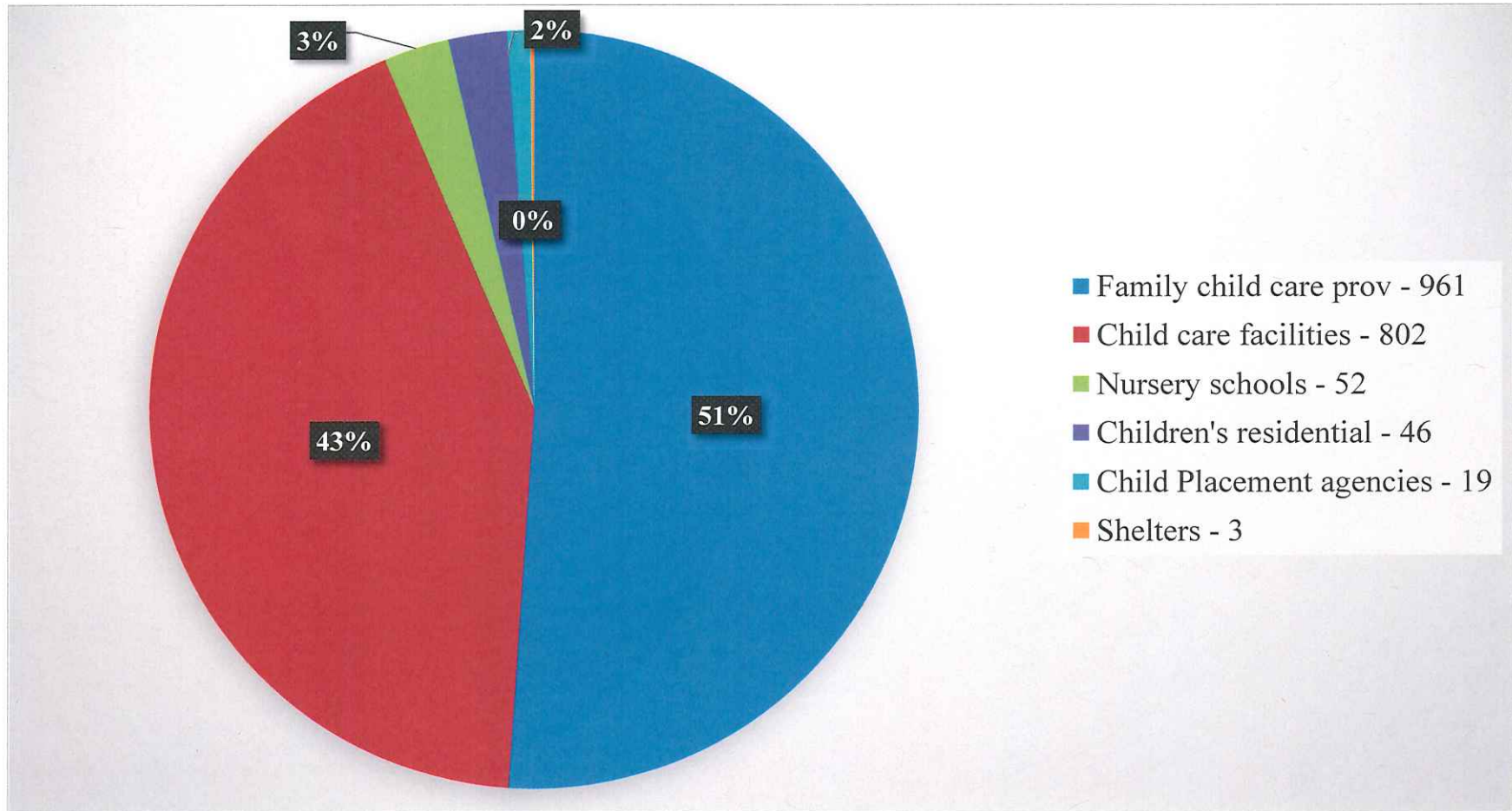


## Division of Licensing and Certification Children's Licensing and Investigation Services

DLC licenses childcare facilities:

- Child Care** – small child care facilities (3 – 12 children under age of 13), child care centers (13 or more children under the age of 13 or any single child care program when with more than 12 children)
- Family Child Care** - a person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home
- Nursery Schools** – a regular program that provides care for 3 or more children between the ages of 33 months and 8 years of age
- Children's Residential** – a licensed children's home which provides board and care for one or more residents on a regular, 24 hours/day residential basis
- Child Placing Agencies** – a facility which advertises itself or holds itself out as finding homes for or otherwise placing children under the age of 18, in homes where care is provided on the basis of 24 hours a day
- Shelters** – emergency and homeless youth centers
- DLC also provides out-of-home investigations for abuse or neglect that occurs in a facility or by a person subject to licensure or inspection by the department, the Department of Education or the Department of Corrections or in a facility operated by any of these departments

## Division of Licensing and Certification Child Care Facilities by Type



## Division of Licensing and Certification

### Recent Accomplishments and Process Improvements

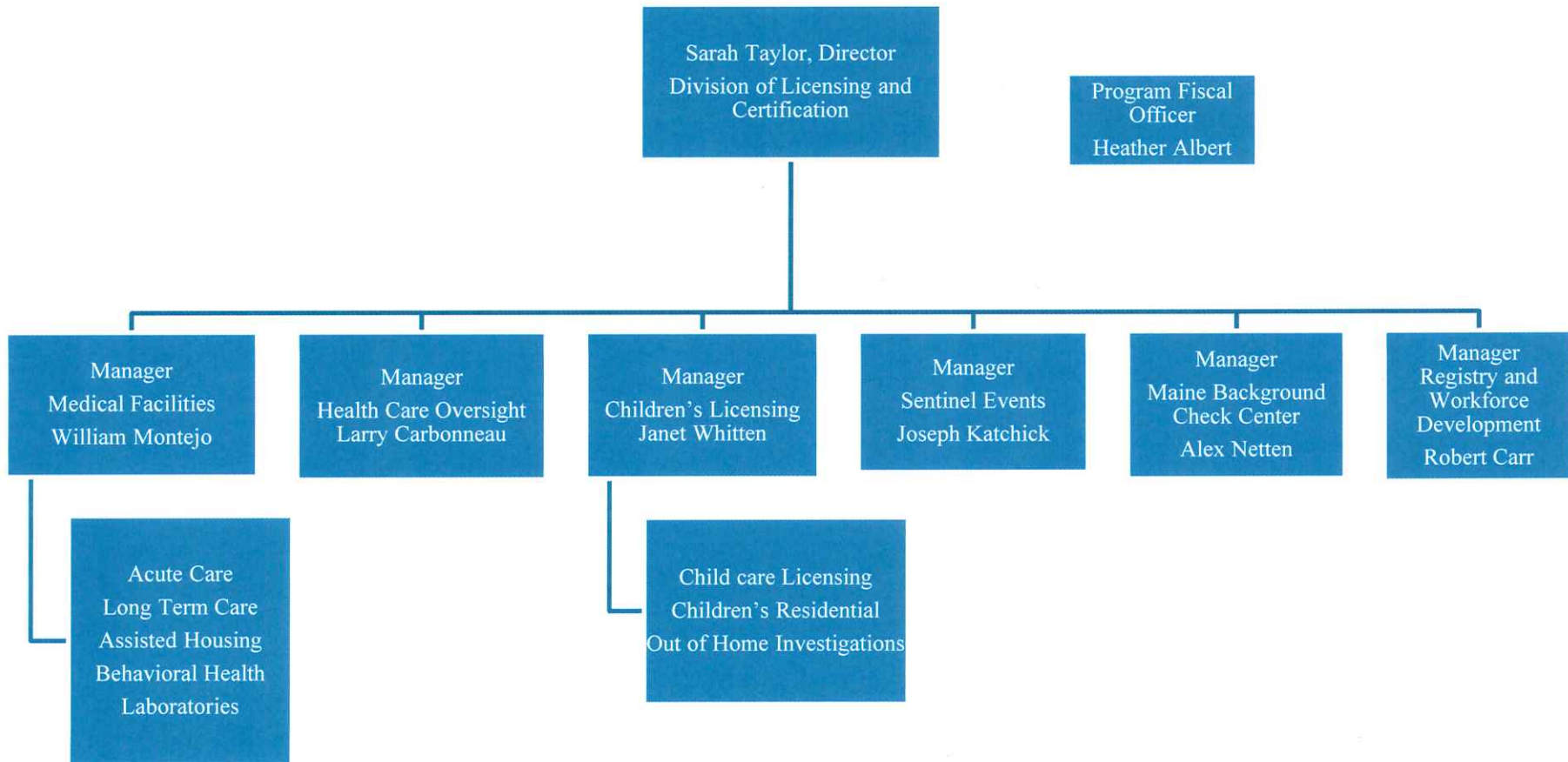
- ❑ Implemented a fully integrated electronic hospital license application. This decreased completion time for hospitals and DLC and reduced errors by 90%.
- ❑ Initiated a consumer-oriented website that includes resources and provides an on-line complaint form. As of 1/18, statements of deficiencies and plans of correction for federally certified facilities related to complaint investigations and certification surveys have been posted on the website.
- ❑ Cross-trained 16 DLC (surveyors and admin support) staff to optimize staffing skills and increase flexibility within the Medical Facilities Unit.
- ❑ Sponsored a collaborative educational program, “Challenges of Caring for Behavioral Health Patients in the ER and Outpatient Settings” - >70 attendees.
- ❑ Uploaded 40,000 records to FORTIS and eliminated 120 file drawer cabinets
- ❑ Developed system for tracking all TAMS task codes and associated funding sources on a monthly basis to ensure funding accuracy.
- ❑ Implemented internal performance evaluation tracking system – improved overdue evaluation rate from 52% to less than 5%.



## Division of Licensing and Certification Program Goals

- ❑ Implement on-line electronic licensing for C.N.A. Registry, increasing ease of application completion, allow for electronic payment of fees, increase staff efficiency and minimize physical storage requirements.
- ❑ Transition Children's Licensing database from MACWIS to ALMS to enhance efficiencies for surveyors, improve management reporting, and facilitate compliance with CCDF grant requirements to post inspections on-line.
- ❑ Continue to cross-train survey staff to enhance staff efficiencies and scheduling flexibility.
- ❑ Continue to scan and attach documents electronically to decrease paper files and increase staff efficiencies.
- ❑ Review and revise rules for hospitals, ICF/IID, nursing homes, and home health agencies.
- ❑ Review and revise rules for child care facilities and nursery schools.
- ❑ Sentinel Events will develop ongoing patient safety education programs in collaboration with the Office of Rural Health and Primary Care.

# Division of Licensing and Certification Organizational Chart



# Questions?

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