

# Division of Licensing and Certification (DLC)

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# Division of Licensing and Certification

## Protecting all Maine People

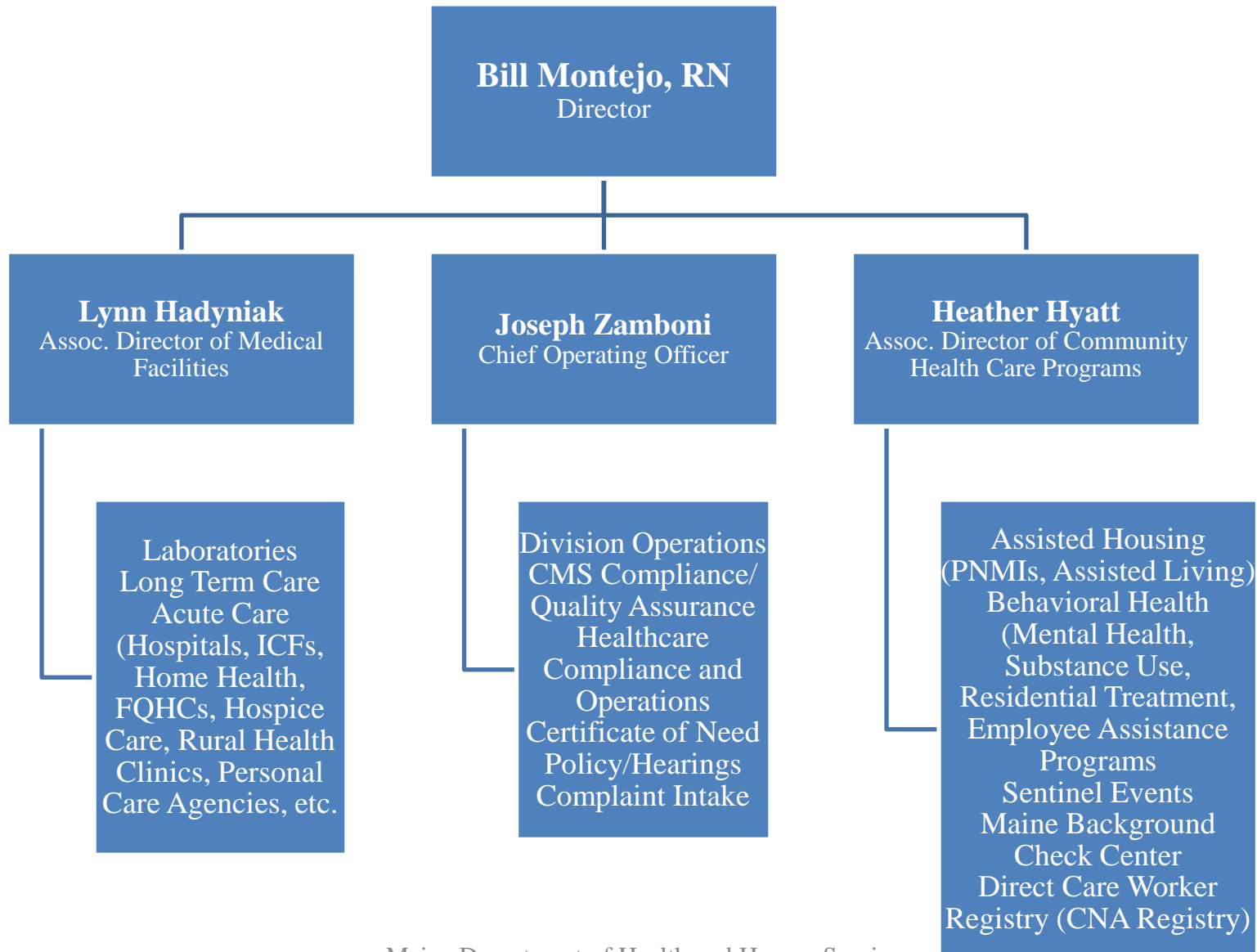
*The mission of the Division of Licensing and Certification (DLC) is to support access to quality and effective health care and social services for Maine people by developing and applying regulatory standards that help people have safe and appropriate outcomes.*

### The Office At a Glance

**Positions:**

Children's Licensing	42
DLC	76
<b>Total</b>	<b>118</b>

# DLC Leadership

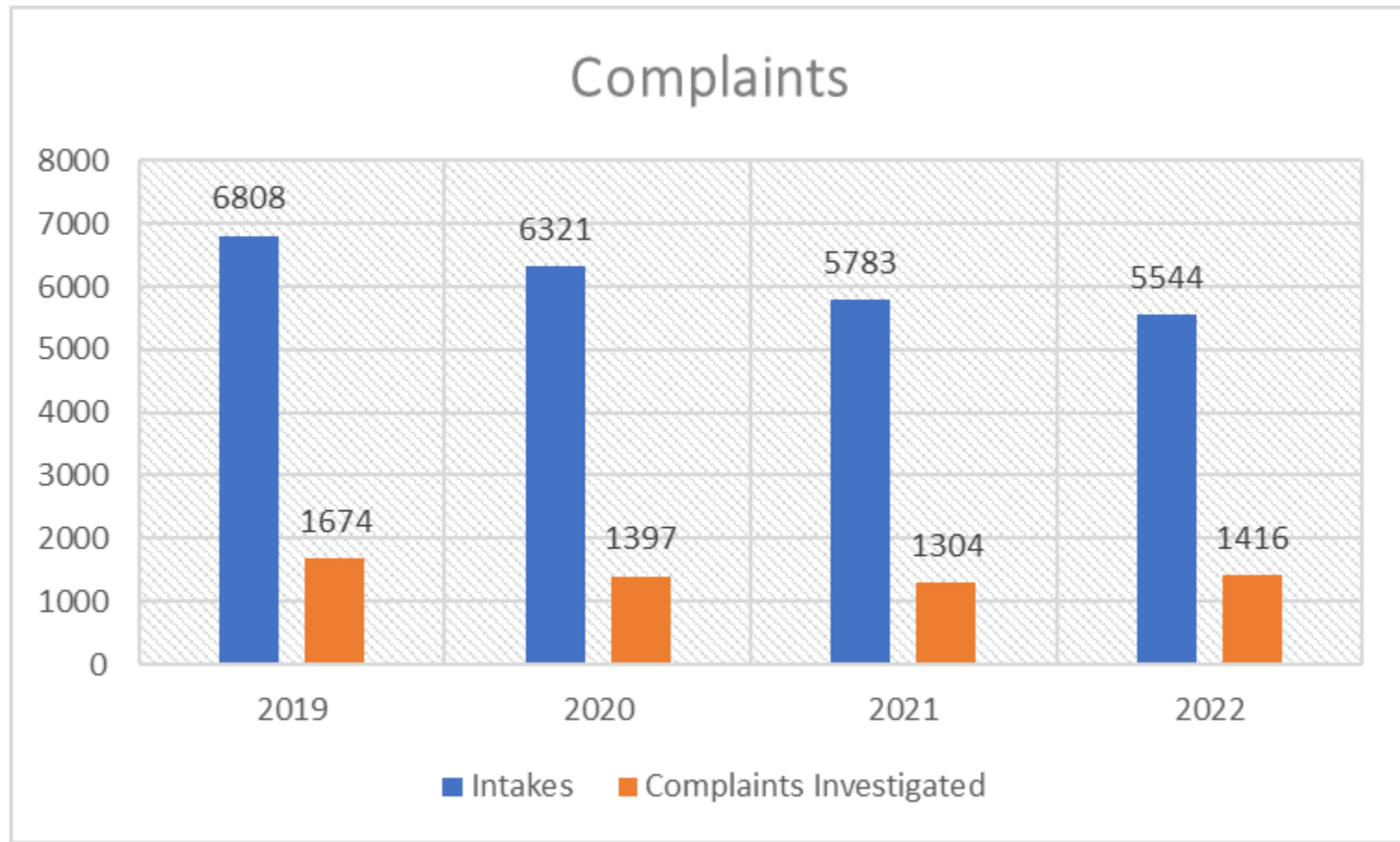


# Division of Licensing and Certification

## Complaint Investigations

- In State FY 2022, we received 5,544 intakes/complaints alleging violations by facilities or agencies.
- Of these, we conducted 1,416 complaint investigations for possible regulatory violations.
- Intakes and complaints are triaged and investigated in accordance with federal standards outlined in the CMS State Operations Manual, Chapter 5.

# Division of Licensing and Certification



# Medical Facilities Unit

DLC is the State Agency contracted to the Centers for Medicare and Medicaid Services ("CMS") for selected survey and certification oversight activity. The Medical Facilities Unit of DLC provides federal certification and state licensing for the following:

- **Long term care** – nursing and skilled nursing facilities.
- **Acute care** – hospitals, home health agencies, ambulatory surgical centers, hospice agencies, dialysis centers, outpatient physical and speech therapy, portable x-rays, rural health clinics, intermediate care facilities for individuals with intellectual disabilities, a transplant center program, federally-qualified health centers, personal care agencies, temporary nurse agencies, placement agencies, and clinical laboratories.

# Medical Facilities Unit

**Medical Facilities Unit** is responsible for:

- Federal recertification and complaint surveys (investigations) of all CMS-certified medical facilities in Maine; and
- State licensing and complaint investigations of healthcare facilities and agencies licensed or registered by DLC throughout the state;
- Registering personal care agencies, temporary nurse agencies, and placement agencies.

# Medical Facilities Unit

- DLC's Medical Facilities Unit certifies 1,692 clinical laboratories, 1 transplant center program, 4 outpatient physical and speech therapy providers, 37 rural health centers, and 2 portable x-ray agencies.
- DLC's Medical Facilities Unit licenses 33 State-licensed-only home health agencies, 5 volunteer hospice agencies, and 44 Level IV Res Care facilities that are co-located with nursing homes.
- DLC's Medical Facilities Unit certifies and licenses 38 hospitals, 15 ambulatory surgery centers, 16 intermediate care facilities for individuals with intellectual disabilities, 21 federally-certified home health agencies, 20 dialysis facilities, 17 hospice agencies, and 89 nursing homes.

**2,159 providers certified and/or licensed by the Medical Facilities Unit.**



# Medical Facilities Unit

DLC's Medical Facilities Unit also registers:

- 203 personal care agencies,
- 215 temporary nurse agencies,
- 2 placement agencies, and
- 334 individuals who receive care through the family provider services option within MaineCare (as of 1/8/2021).

**754 agencies and individuals registered**

# Medical Facilities Unit

## Complaint Investigations

In addition to certifying, licensing, and registering facilities and agencies, the Medical Facilities Unit also investigates complaints against providers alleging regulatory violations that may impact health and safety.

In State FY2022, the DLC's Medical Facilities Unit investigated:

- 631 complaints (across all federally-certified providers), through the course of 375 separate surveys;
- 26 complaints in State-regulated-only residential care facilities that are co-located with nursing homes, through the course of 19 separate surveys; and
- 6 complaints in State-only-regulated home health agencies, through 6 separate surveys.

**In SFY 2022, DLC's Med Facilities Unit investigated 663 complaints by doing 400 surveys.**

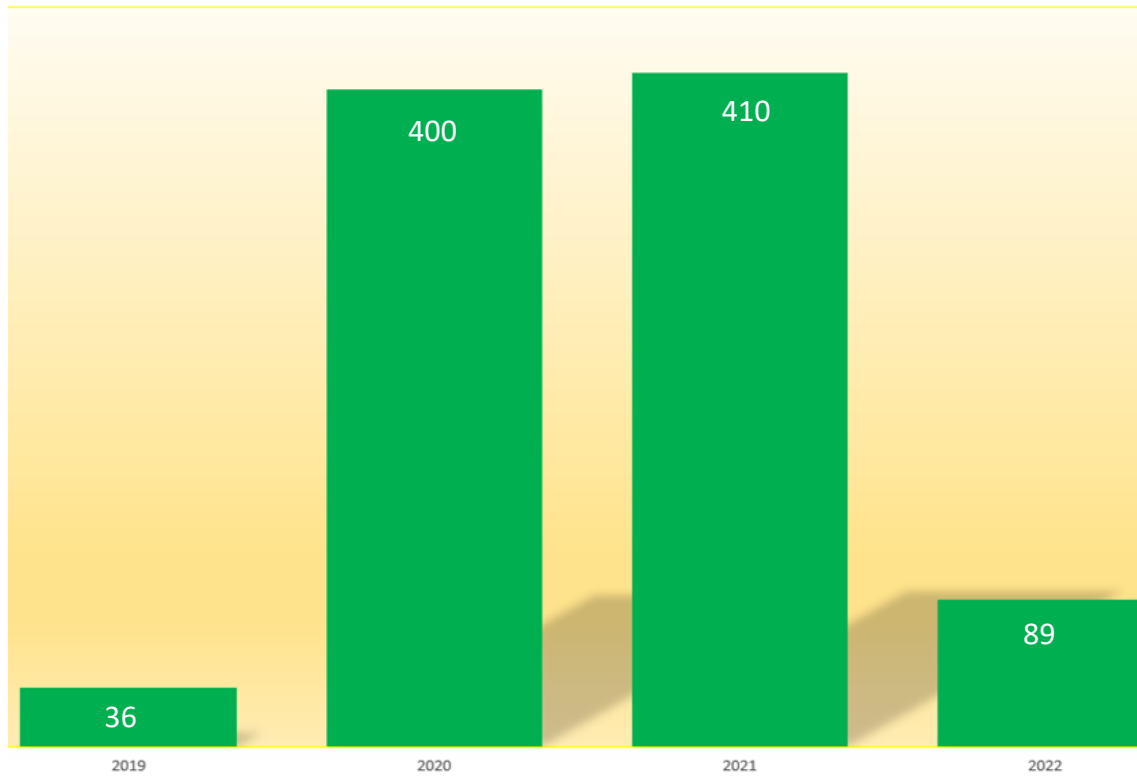
# Medical Facilities Unit

## COVID-19 Response

- Implemented and provided guidance on CMS waivers
- Issued Emergency Infection Control Rules
- Assisted with Emergency Staffing Guidance
- Consulted with facilities and providers
  - Infection control
  - Acute outbreak needs
  - CMS regulatory clarifications –29 on-site infection control surveys.
- Issued Clinical Laboratory Improvement Amendments (CLIA) certification for COVID-19 testing sites
  - September 2020 = 51
  - November 2020 =296

# Medical Facilities Unit COVID-19 CLIA Response

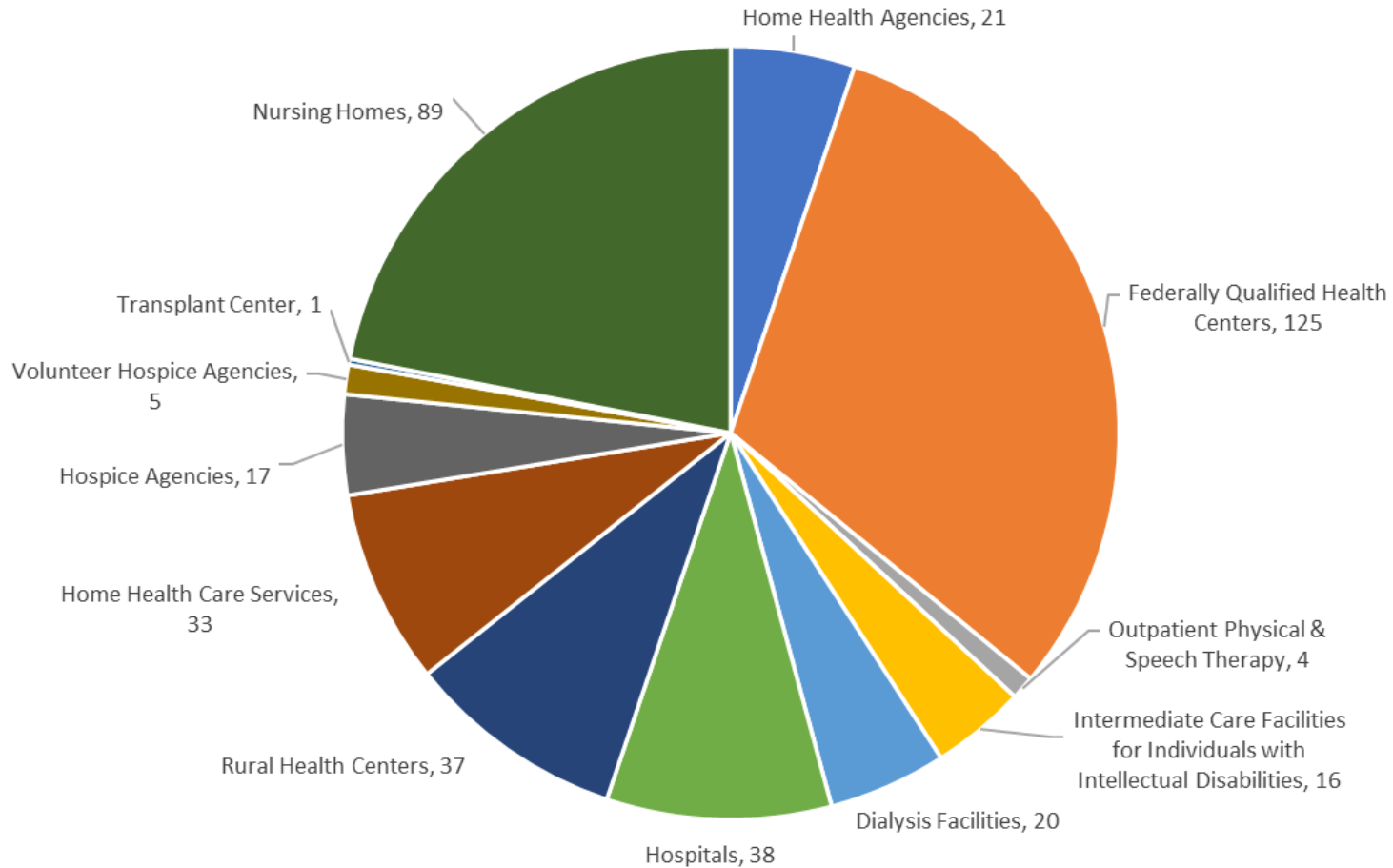
CLIA Waiver Applications Approved Annually



In 2021, for example, we received 415 applications, and all but 5 were for the lowest-level of laboratory, known as "Waiver" labs. These included employers, schools, day care centers, and all others who wanted to do only on-site COVID testing.

# Medical Facilities Unit

## Medical Provider Type



# Healthcare Compliance and Operations

Additionally, the **Healthcare Compliance and Operations** unit within DLC provides the following:

- Certificate of Need ("CON") - provides review and determination prior to major changes in Maine's healthcare landscape. Changes include:
  - Mergers/acquisitions;
  - New facilities/services;
  - Substantial capital investments in new equipment or facilities;
  - Changing access to services; and
  - Increases in bed complement.
- Continuing Care Retirement Communities ("CCRC") – Certifies to the State's Bureau of Insurance that applicants seeking to operate a CCRC have all the required licenses, a CON, and can provide services;
- Tracking of nursing home and Level IV residential care beds.

# Community Healthcare Programs

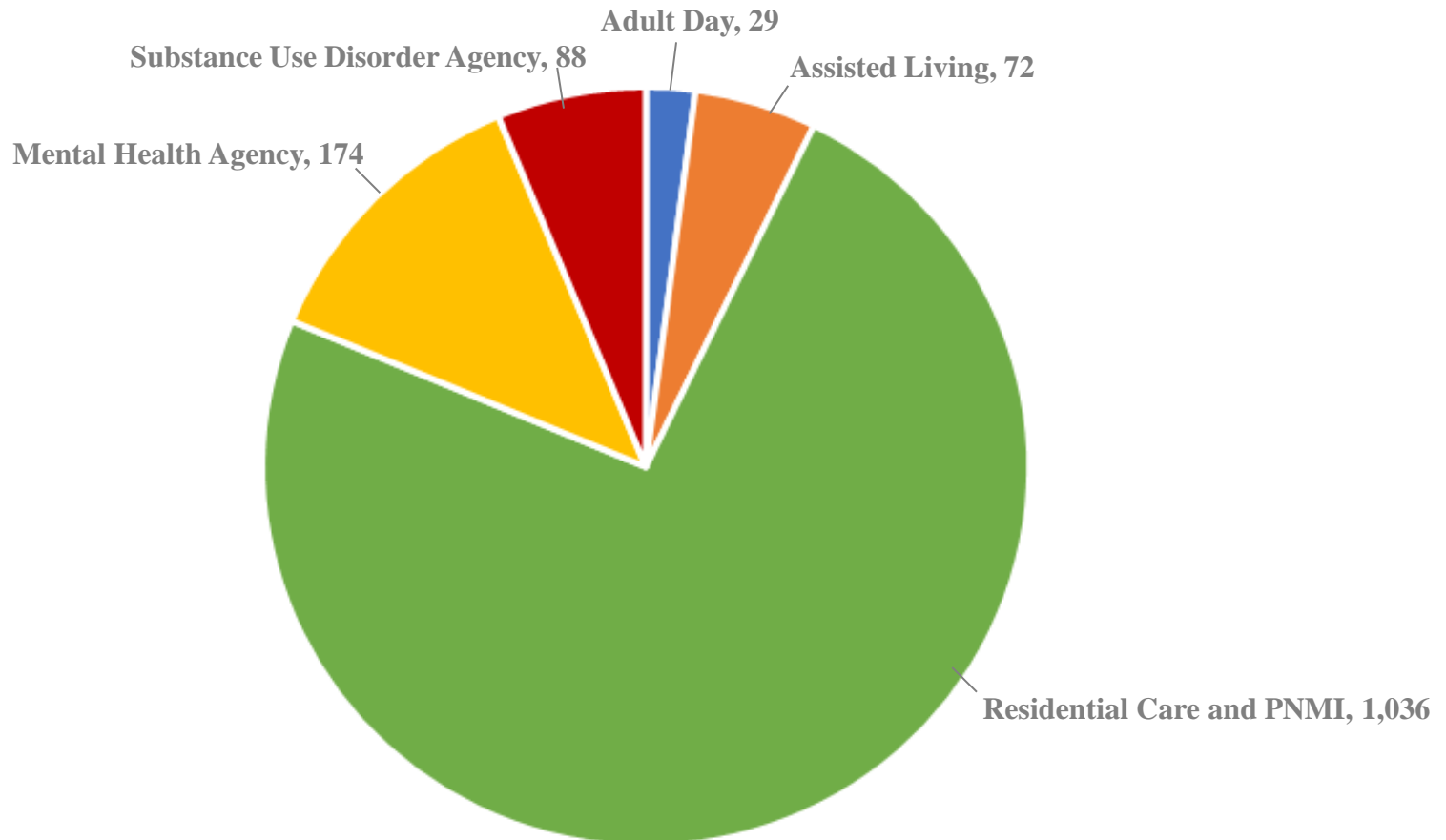
## Community Healthcare Programs— responsible for:

- State licensing and regulatory oversight of assisted housing (Residential Care and Assisted Living) and behavioral health facilities;
- Maine Certified Nursing Assistant (CNA) and Direct Care Worker (DCW) Registry;
- Maine Sentinel Event program which reviews facility reports of sentinel events for thoroughness and completeness and provides data, newsletters, and outreach to try and improve quality outcomes in healthcare facilities and reduce the probability of reoccurrences; and
- Maine Background Check Center: conducts criminal background checks for employers whose staff provide care and services to vulnerable Maine people.

# Community Healthcare Programs Unit

## Assisted Housing and Behavioral Health Program

### Licensed Facilities





# Community Healthcare Programs Unit

The Community Healthcare Programs section of DLC is responsible for ensuring compliance with State licensure and regulatory compliance for:

**Assisted Housing** – Assisted living, adult day programs, and residential care facilities, including Private Non-medical Institutions (PNMI). This program licenses more than 1,100 facilities that range in size from apartments with 1-2 residents, to large facilities with more than 125 residents.

Assisted Living -- 72

Level I Residential Care -- 386

Level II Residential Care -- 21

Level III Residential Care -- 341

Level IV Residential Care-- 74

Adult Day Programs -- 29

Level I PNMI -- 9

Level II PNMI -- 1

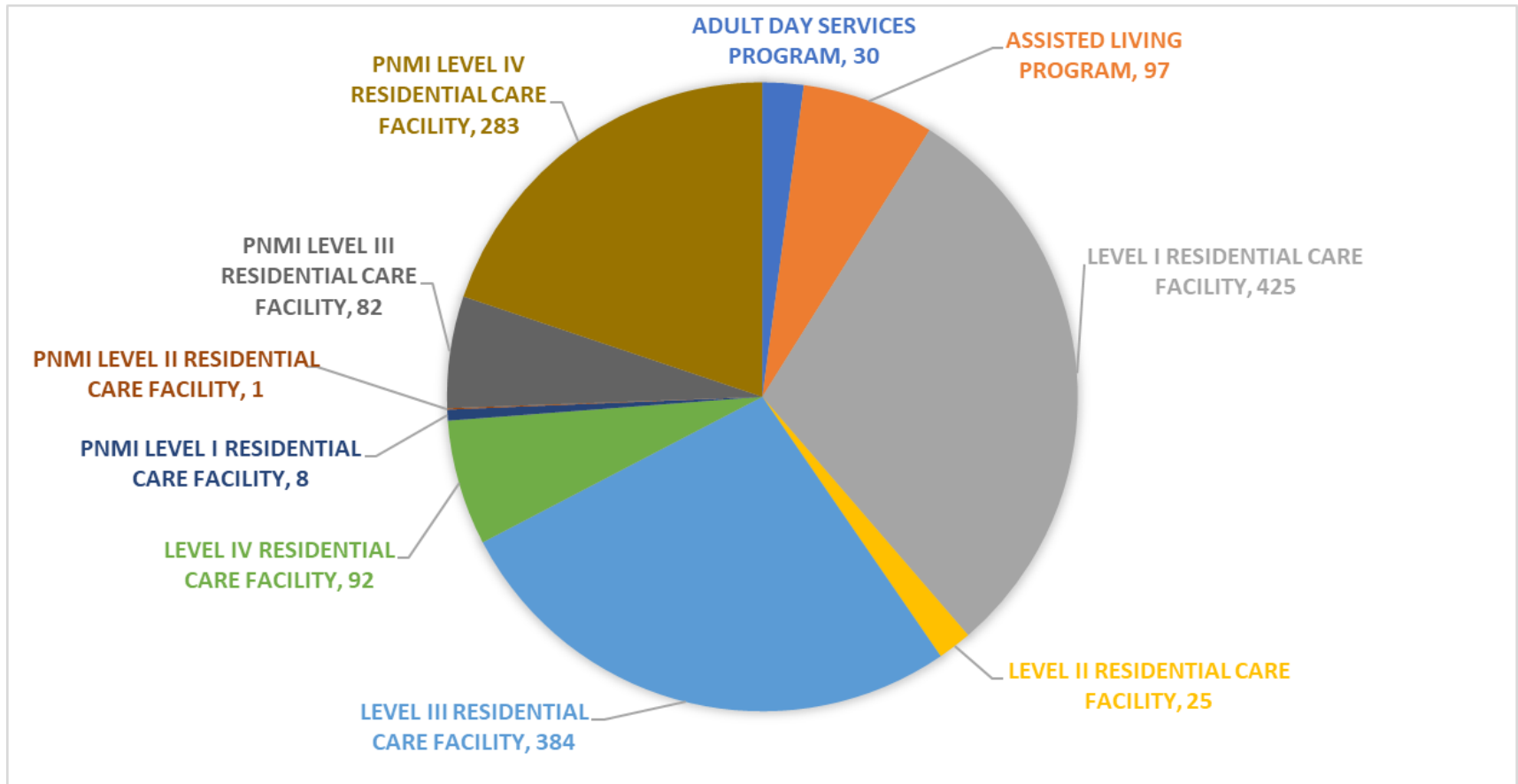
Level III PNMI -- 89

Level IV PNMI-- 115

**In SFY 2022, Assisted Housing surveyors completed 1,427 inspections of licensed facilities.**

# Community Healthcare Programs Unit

## Assisted Housing Inspections



# Community Healthcare Programs Unit

**Behavioral Health** - Mental health/substance use disorder agencies provide various services and are operated in more than 1,500 sites statewide.

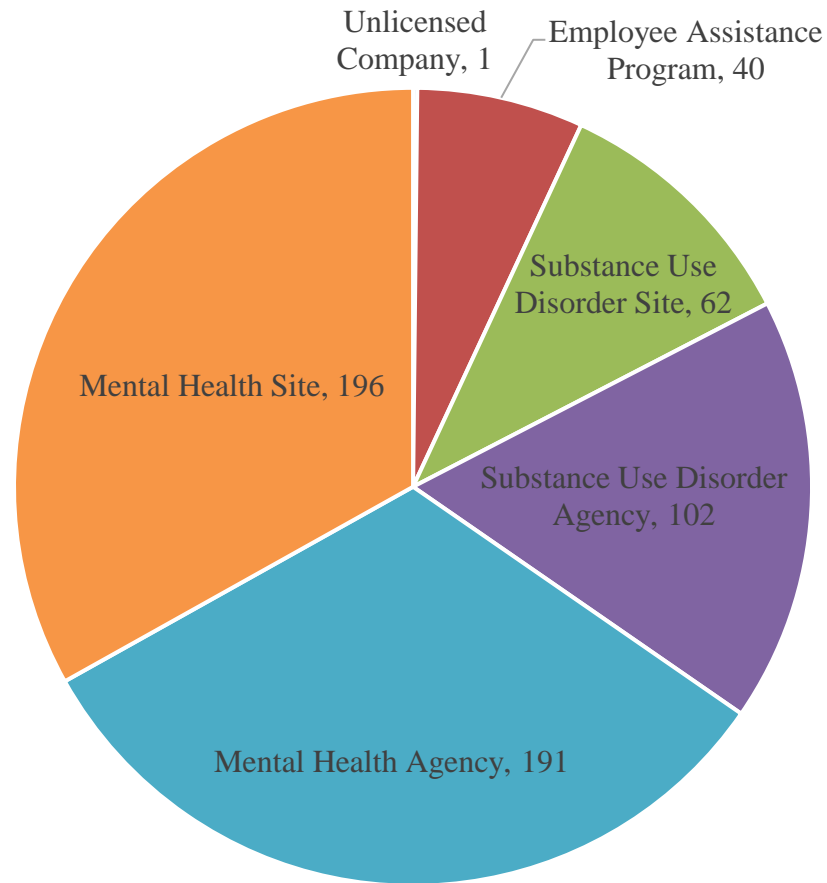
- Mental Health Agencies – 174 agencies, 1184 sites
- Substance Use Disorder Agencies – 88 agencies, 388 sites

The Behavioral Health program also certifies **Employee Assistance Programs** (EAPs) for companies with more than 20 full time employees and that require substance abuse testing related to employment. There are currently 76 active EAP certifications in Maine.

**In SFY 2022, Behavioral Health surveyors completed 592 inspections of licensed and/or certified providers.**

# Community Healthcare Programs Unit

## Behavioral Health Inspections Completed in SFY2022



# Community Healthcare Programs Unit

**Workforce Development** – Operates the Certified Nursing Assistance (CNA) /Direct Care Worker Registry. Since 2019, DLC has seen approximately a 126% increase in CNA applications.

- 2019 – 5,985
- 2020 – 6,032
- 2021 – 9,022
- 2022 – 13,560

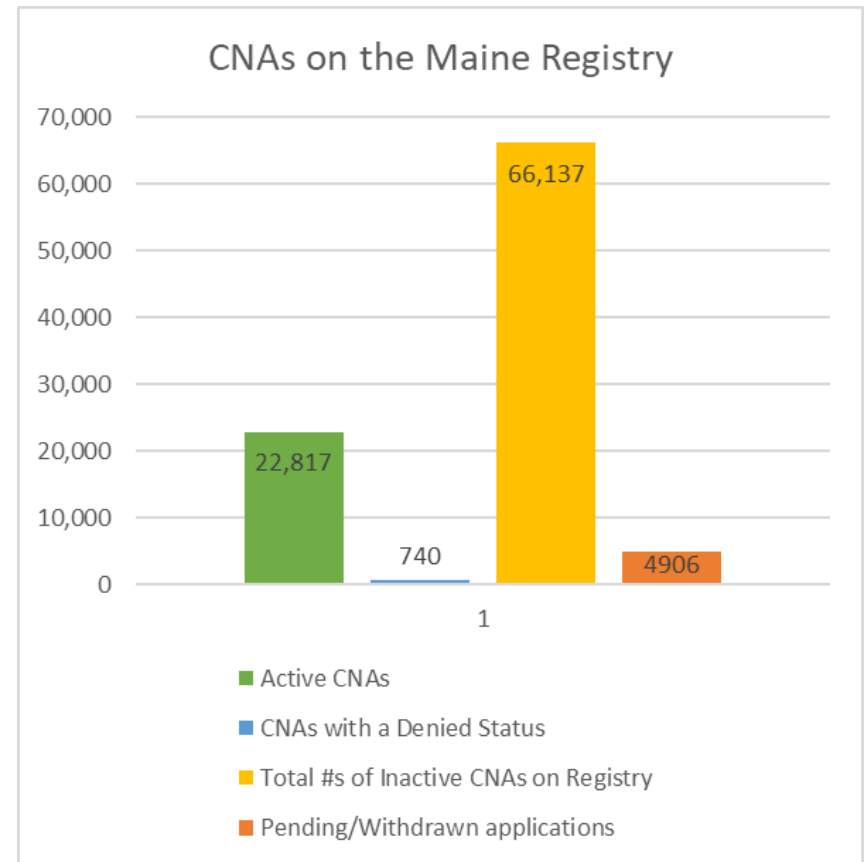
In addition to maintenance of the CNA Registry, the Workforce Development program manages training certifications for Personal Support Specialist (PSS) and Certified Residential Medication Aide (CRMA) staff.

- There are currently 901 certified Personal Support Specialists and 5,422 Certified Residential Medication Aides in Maine.

# Community Healthcare Programs Unit

## CNA and Direct Care Worker Registry

DLC maintains a Registry of more than 94,600 CNAs, of which 22,817 are active. This is an increase of 9,122 active CNAs from 2018. The Registry is publicly accessible and includes a listing of individuals who may no longer be certified as a CNA as the result of disqualifying criminal convictions or annotations for abuse, neglect, or misappropriation. Direct care workers who have a disqualifying criminal conviction or annotation of abuse, neglect, or misappropriation will also be listed on the Registry.



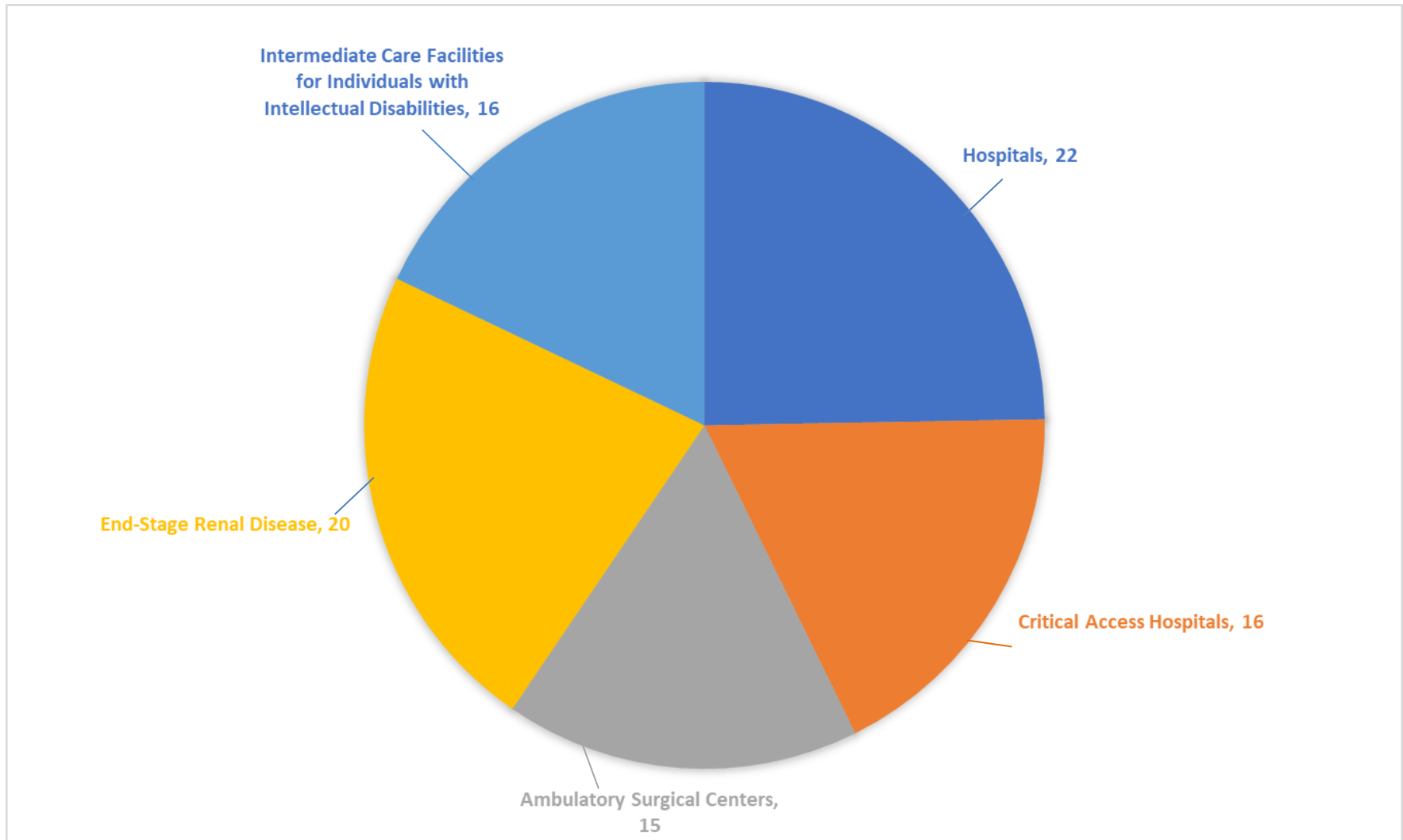
# Community Healthcare Programs Unit

**Sentinel Event program** - 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 (RCA) for sentinel events within 45 days of the report. The healthcare facility reports and RCAs are confidential records and non-discoverable under 22 M.R.S. § 8754(3). The Sentinel Events Team maintains a database of sentinel events, causal factors and interventions. An annual report is sent to the Legislature.

Hospitals, ambulatory surgical centers, dialysis centers and ICF/IID facilities are included in the Sentinel Event program.

- In 2022, the Sentinel Event Team reviewed 313 reports, 253 of which were deemed sentinel events; 50 reports were deemed non-reportable, 8 were deemed near miss events, and 2 remain pending.
- The top 5 event categories in 2022 were pressure ulcers (87), falls with serious injury (73), unanticipated death within 48 hours of treatment (15), retained foreign object after surgery (12), and suicide within 48 hours of treatment (9).

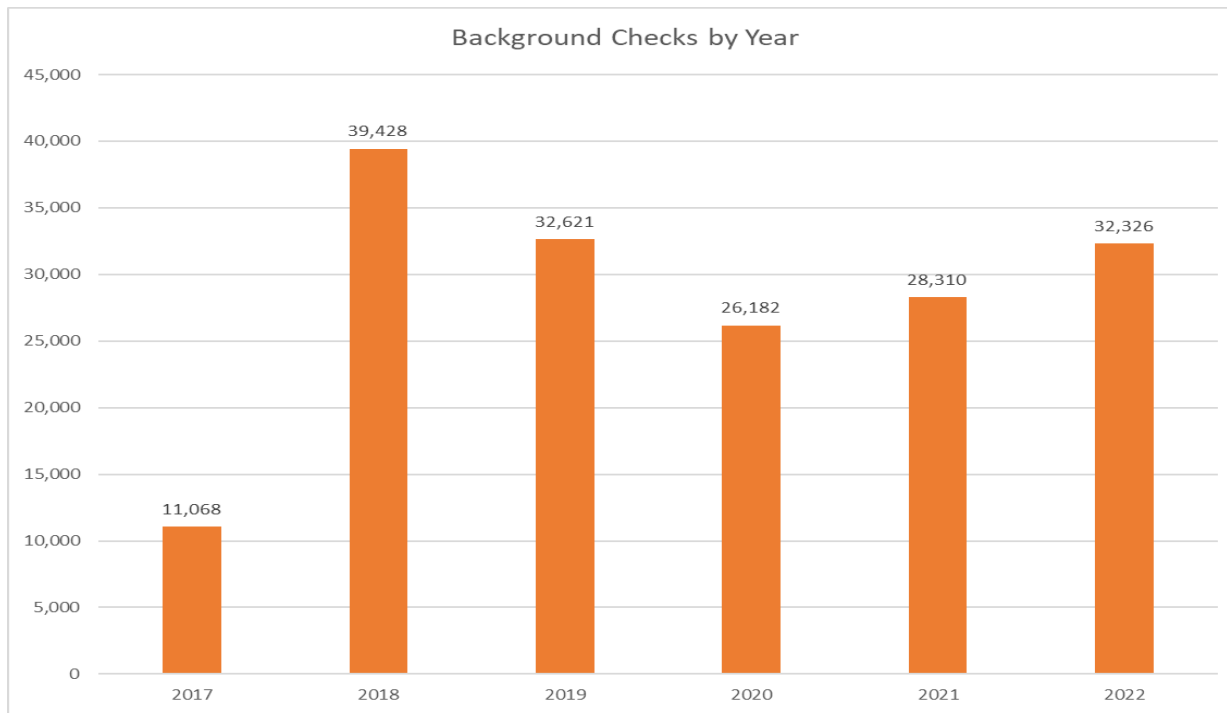
# Facilities Covered by Sentinel Events by type





# Maine Background Check Center

**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 173,000 applications through December 2022.



# Questions?

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