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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 1503, L.D. 2107, Bill, "An Act To Amend the Nursing Facility Licensing Rules To Enhance Cost of Care Collection"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §1826, sub-§3, as amended by PL 1997, c. 329, §1, is further amended to read:

3. Other contract provisions. The contract or agreement may contain other provisions that do not violate state law or rule or federal law or regulation and that are specifically allowed by the standardized contract under subsection 4. A facility may add to the standardized contract an additional contract or rider that includes, but is not limited to, the following:

A. A provision that requires a resident's agent who has legal access to a resident's income or financial resources to pay for facility services for the resident from that income or resources to the extent available for this purpose, except that the resident's agent may not be held personally liable for the resident's facility expenses; and

B. A provision that provides that if a resident's agent fails in the agent's obligation to ensure that the facility is paid in a timely manner for the costs of a resident's monthly care or fails to perform any of the agent's obligations described in the contract or the rider, the facility may pursue a legal action against the agent in Probate Court or District Court for review of the agent's performance. The provision may also provide that, in addition to other relief that the facility may request from the court under such action, if the facility prevails, the resident's agent is responsible to pay reasonable costs of the facility's attorney's fees and costs with the resident's income or financial resources.

For the purposes of this subsection, "agent" means a person acting as a power of attorney as set forth in Title 18-C, section 5-914 or as a conservator appointed under Title 18-C, section 5-401.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill. The bill requires the Department of Health and  
5 Human Services to amend its rules to change the standard admission contract for nursing  
6 facilities. The amendment amends law to provide that a nursing facility may add the  
7 provisions to an additional contract or rider to the standard admission contract.