

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND THIRTEEN

—  
 S.P. 179 - L.D. 447

**An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §1831**, as enacted by PL 1997, c. 337, §1, is amended to read:

**§1831. Patient referrals**

**1. Provision of information.** In order to provide for informed patient or resident decisions, a hospital or nursing facility shall provide ~~lists~~ a standardized list of licensed providers of care and services and available physicians for all patients or residents prior to discharge for whom home health care, hospice care, acute rehabilitation care, a hospital swing bed as defined in section 328, subsection 15 or nursing care is needed. The list must include a clear and conspicuous notice of the rights of the patient or resident regarding choice of providers.

A. For all patients or residents requiring home health care or hospice care, the list must include all licensed home health care and hospice providers that request to be listed and any branch offices, including addresses and phone numbers, that serve the area in which the patient or resident resides.

B. For all patients or residents requiring nursing facility care or a hospital swing bed, the list must include all ~~nursing~~ appropriate facilities that request to be listed that serve the area in which the patient or resident resides or wishes to reside and the physicians available within those facilities that request to be listed.

C. The hospital or nursing facility shall disclose to the patient or resident any direct or indirect financial interest the hospital or nursing facility has in the nursing facility or home health care provider.

**2. Rulemaking.** The department shall establish by rule guidelines necessary to carry out the purposes of this section, including but not limited to the standardized list referenced in subsection 1 and contact information for the long-term care ombudsman program under section 5107-A. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 2. Rules regarding the responsibilities of medical directors in nursing facilities.** The Department of Health and Human Services shall amend its rules regarding licensure of nursing facilities, Rule Chapter 110, chapter 16, to require that the responsibilities of a facility's medical director include ongoing guidance in the development and implementation of resident care policies, including review and revision of existing policies as required in the guidelines for nursing facilities issued by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The rules must require all facilities, including those that are corporately owned, to be able to demonstrate that the development, review and approval of resident care policies or procedures provide opportunity for medical director input. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.