

§7924. Reporting of violations

1. Alleged violations reported and investigated. Any person who believes that any of those rules governing the licensure of long-term care facilities or the operation of assisted living programs and services authorized pursuant to section 7853 adopted by the department pertaining to residents' rights and conduct of resident care has been violated may report the alleged violation to the protection and advocacy agency designated pursuant to Title 5, section 19502; the long-term care ombudsman pursuant to section 5106, subsection 11-C and section 5107-A; and any other agency or person whom the commissioner may designate.

[PL 2011, c. 657, Pt. EE, §1 (AMD).]

2. Professionals to report. Any professional who provides health care, social services or mental health services or who administers a long-term care facility or program and who knows of or has reasonable cause to suspect that there has been a violation of any of those rules adopted by the department governing the licensure of long-term care facilities pertaining to residents' rights or conduct of resident care shall immediately report or cause a report to be made to an agency or person referred to in subsection 1.

[PL 2005, c. 397, Pt. A, §25 (AMD).]

3. Written report of findings. Any agency or person investigating a situation pursuant to subsection 1 or 2 shall submit a written report of the findings and results of the investigation to the administrator of the long-term care facility in which the residents' rights allegedly have been violated and to the commissioner.

[PL 2005, c. 397, Pt. A, §26 (AMD).]

4. Immunity from liability. No professional shall be held liable for any report or action taken pursuant thereto if the professional acted in good faith pursuant to this section.

[PL 1981, c. 445 (NEW).]

5. Construction. This section may not be construed to limit the powers or responsibilities of the long-term care ombudsman.

[PL 1999, c. 384, §4 (AMD).]

6. Notice of program. Each long-term care facility shall provide to each resident, guardian or personal representative, at the time of admission, information that the long-term care ombudsman program is a source of assistance with complaints and problems. At least 2 posters must be mounted in prominent places in each long-term care facility to inform residents about the services of the program. The posters must also include the department's current rules regarding the rights of residents of long-term care facilities.

[PL 1989, c. 644 (NEW).]

SECTION HISTORY

PL 1981, c. 445 (NEW). PL 1989, c. 644 (AMD). RR 1995, c. 2, §45 (COR). PL 1997, c. 260, §2 (AMD). PL 1999, c. 384, §4 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 596, §B14 (AMD). PL 2001, c. 596, §B25 (AFF). RR 2003, c. 2, §82 (COR). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §§A24-26 (AMD). PL 2009, c. 1, Pt. S, §1 (AMD). PL 2011, c. 657, Pt. EE, §1 (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.