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Legislative Document

No. 476

H.P. 350

House of Representatives, February 16, 2021

**An Act To Provide Licensed Assisted Living and Nursing Facilities
Levels of Care for Incarcerated Persons**

Received by the Clerk of the House on February 11, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.

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

2 **Sec. 1. 34-A MRSA §1402, sub-§14** is enacted to read:

3 **14. Long-term care services.** The commissioner shall establish and maintain long-
4 term care services at the assisted living and nursing facility levels of care, as defined by
5 rule by the Department of Health and Human Services, in units licensed by the Department
6 of Health and Human Services that are located within correctional facilities and in licensed
7 facilities in the community. The units must provide long-term care for prisoners committed
8 to the department who are determined to be eligible. The following provisions govern
9 eligibility and the provision of long-term care services pursuant to this subsection.

10 A. The commissioner shall develop procedures to provide information to prisoners and
11 their families regarding assisted living and nursing facility services available under this
12 subsection.

13 B. The commissioner shall assist prisoners and their families in applying for
14 assessment of long-term care medical and social needs using the Medicaid eligibility
15 assessment provided under Title 22, section 3174-I.

16 C. The commissioner may establish and maintain licensed assisted living units and
17 nursing facility units within correctional facilities to serve the needs of prisoners and
18 shall place prisoners in those units as appropriate to each prisoner.

19 D. If the commissioner is unable to provide assisted living units and nursing facility
20 units in correctional facilities to serve the needs of prisoners determined to be eligible
21 under paragraph B, the commissioner shall develop or contract for assisted living and
22 nursing facility levels of care in licensed facilities in the community and shall place
23 prisoners in those facilities as appropriate to each prisoner.

24 E. The commissioner shall work with the Department of Health and Human Services
25 to develop licensed assisted living units and nursing facility units in correctional
26 facilities under paragraph C and licensed assisted living facilities and licensed nursing
27 facilities in the community under paragraph D and to encourage licensed facilities in
28 the community to accept prisoners as residents. The department shall provide training
29 to licensed facilities in the community regarding the specific needs of prisoners
30 committed to the department.

31 F. The commissioner shall adopt rules to implement this subsection. Rules adopted
32 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375,
33 subchapter 2-A.

34 **SUMMARY**

35 This bill provides for assisted living and nursing facility levels of care in licensed units
36 in correctional facilities of the Department of Corrections and in licensed facilities in the
37 community for prisoners in the custody of the Department of Corrections. The bill provides
38 for assessment of medical and social needs of prisoners using the Medicaid eligibility
39 assessment. The bill requires the Department of Corrections to work with the Department
40 of Health and Human Services to develop licensed units in correctional facilities, to provide
41 long-term and assisted living and nursing facility levels of care in licensed facilities in the
42 community and to encourage licensed community facilities to accept prisoners as residents.

1 The bill requires the Department of Corrections to provide training to licensed facilities in
2 the community regarding the specific needs of prisoners committed to the department. The
3 bill requires the Department of Corrections to adopt routine technical rules to implement
4 the requirement that the department provide long-term care services.