

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 401: GENERAL PROVISIONS**

**§1721. PROHIBITION ON PAYMENT FOR HEALTH CARE FACILITY MISTAKES OR PREVENTABLE ADVERSE EVENTS**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Health care facility" means a hospital or ambulatory surgical center licensed under chapter 405. [2007, c. 605, §1 (NEW).]

B. "Mistake or preventable adverse event" means any of the following events that is within the health care facility's control to avoid:

- (1) Surgery performed on the wrong body part;
- (2) Surgery performed on the wrong patient;
- (3) The wrong surgical procedure performed on a patient;
- (4) Unintended retention of a foreign object in a patient after surgery or another procedure;
- (5) Intraoperative or immediately postoperative preventable death of a patient classified as a normal healthy patient under guidelines published by a national association of anesthesiologists;
- (6) Patient death or serious disability caused by the use of contaminated drugs, devices or biologics provided by a hospital or ambulatory surgical center;
- (7) Patient death or serious disability caused by the use or function of a device in patient care in which the device is used for functions other than as intended;
- (8) Patient death or serious disability caused by an intravascular air embolism that occurs while being cared for in a health care facility;
- (9) An infant's being discharged to the wrong person;
- (10) Patient death or serious disability caused by a patient's elopement for more than 4 hours;
- (11) Patient suicide or attempted suicide resulting in serious disability while being cared for in a health care facility;
- (12) Patient death or serious disability caused by a medication error such as an error involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration;
- (13) Patient death or serious disability caused by a hemolytic reaction due to the administration of incompatible blood or blood products;
- (14) Maternal death or serious disability caused by labor or delivery in a low-risk pregnancy, labor and delivery while being cared for in a health care facility;
- (15) Patient death or serious disability caused by hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;
- (16) Death or serious disability caused by failure to identify and treat hyperbilirubinemia in neonates prior to discharge;
- (17) Stage 3 or 4 pressure ulcers acquired after admission to a health care facility;
- (18) Patient death or serious disability due to spinal manipulative therapy;

- (19) Patient death or serious disability caused by an electric shock while being cared for in a health care facility;
- (20) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;
- (21) Patient death or serious disability caused by a burn incurred from any source while being cared for in a health care facility;
- (22) Patient death caused by a fall by a patient who was or should have been identified as requiring precautions due to risk of falling while being cared for in a health care facility;
- (23) Patient death or serious disability caused by the use of restraints or bedrails while being cared for in a health care facility;
- (24) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist or other licensed health care provider;
- (25) Abduction of a patient of any age;
- (26) Sexual assault of a patient within a health care facility;
- (27) Death or significant injury of a patient resulting from a physical assault that occurs within a health care facility; and
- (28) Artificial insemination with the wrong donor sperm or donor egg. [ 2007, c. 605, §1 (NEW) . ]

[ 2007, c. 605, §1 (NEW) . ]

**2. Prohibition.** A health care facility is prohibited from knowingly charging a patient or the patient's insurer or the patient's employer as defined in Title 39-A, section 102, subsection 12 for health care services it provided as a result of or to correct a mistake or preventable adverse event caused by that health care facility.

[ 2009, c. 31, §1 (AMD) . ]

**3. Patient education.** A health care facility is required to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

*§1721. Voluntary restraint*

*(As enacted by PL 2007, c. 629, Pt. C, §1 is REALLOCATED TO TITLE 22, SECTION 1722)*

[ 2007, c. 605, §1 (NEW) . ]

SECTION HISTORY

RR 2007, c. 2, §9 (RAL). 2007, c. 605, §1 (NEW). 2007, c. 629, Pt. C, §1 (NEW). 2009, c. 31, §1 (AMD).

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