

§2144. Licensure procedures

1. Types of licenses. The department shall issue the following types of licenses, as follows.

A. A provisional license shall be issued by the department to an applicant who:

- (1) Has not previously operated as a home health care provider or is licensed but has not operated during the term of that license;
- (2) Complies with all applicable laws and rules, except those which can only be complied with once clients are served by the applicant; and
- (3) Demonstrates the ability to comply with all applicable laws and rules by the end of the provisional license term. [PL 1983, c. 570 (NEW).]

B. The department shall issue a full license to an applicant who complies with all applicable laws and rules. [PL 1983, c. 570 (NEW).]

C. A conditional license may be issued by the department, when the provider fails to comply with applicable laws and rules, and in the judgment of the commissioner, the best interest of the public would be so served by issuing a conditional license. The conditional license shall specify when and what corrections shall be made during the term of the conditional license. [PL 1983, c. 570 (NEW).]

D. The commissioner may grant a full, provisional or conditional license under this chapter to those entities otherwise regulated by the State Government or the Federal Government, if the commissioner determines that those regulations meet the purpose and intent of this chapter. [RR 2021, c. 2, Pt. B, §119 (COR).]

[RR 2021, c. 2, Pt. B, §119 (COR).]

2. Licenses not assignable or transferable. No license may be assignable or transferable. A license shall be immediately void if ownership or control of the provider changes.

[PL 1983, c. 570 (NEW).]

3. Term of license; compliance visits. Licenses shall be issued for the following terms.

A. The provisional license shall be issued for a minimum period of 3 months or a longer period, as deemed appropriate by the department, not to exceed 12 consecutive months. [PL 1983, c. 570 (NEW).]

B. The term of a full license may not exceed 24 months. [PL 2003, c. 548, §1 (RPR).]

C. The conditional license shall be issued for a specific period, not to exceed one year, or the remaining period of the previous full license, whichever the department determines appropriate based on the laws and rules violated. [PL 1983, c. 570 (NEW).]

D. Regardless of the term of the license, the department shall monitor for continued compliance with applicable laws and rules on at least a biennial basis. The department shall adopt rules, which are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, regarding terms of licenses. [PL 2003, c. 548, §2 (AMD).]

[PL 2003, c. 548, §§1, 2 (AMD).]

4. Failure to comply with applicable laws and rules. The following shall apply for failure to comply with applicable laws and rules.

A. When an applicant fails to comply with applicable laws and rules, the department may refuse to issue or renew the license. [PL 1983, c. 570 (NEW).]

B. If, at expiration of a full or provisional license, or during the term of a full license, the facility fails to comply with applicable laws and rules and, in the judgment of the commissioner, the best

interest of the public will be so served, the department may issue a conditional license or change a full license to a conditional license. [PL 1983, c. 570 (NEW).]

C. Any license issued under this chapter may be suspended or revoked for violation of applicable laws and rules committing, permitting, aiding or abetting any illegal practices in the operation of the provider of conduct or practices detrimental to the welfare of persons to whom home health care services are provided. When the department believes that a license must be suspended or revoked, it shall file a complaint with the District Court in accordance with Title 4, section 184 or the Maine Administrative Procedure Act, Title 5, chapter 375. [PL 1999, c. 547, Pt. B, §40 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

D. The department may petition the Superior Court to appoint a receiver to operate a home health agency in accordance with chapter 1666-A. [PL 1995, c. 620, §1 (NEW).]
[PL 1999, c. 547, Pt. B, §40 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

5. Appeals. Any person aggrieved by the department's decision to take any of the following actions may request an administrative hearing as provided by the Maine Administrative Procedure Act, Title 5, chapter 375:

A. Issue a conditional license; [PL 1983, c. 570 (NEW).]

B. Amend or modify a license; [PL 1983, c. 570 (NEW).]

C. Refuse to issue or renew a full license; or [PL 1983, c. 570 (NEW).]

D. Refuse to issue a provisional license. [PL 1983, c. 570 (NEW).]
[PL 1983, c. 570 (NEW).]

SECTION HISTORY

PL 1983, c. 570 (NEW). PL 1995, c. 620, §1 (AMD). PL 1999, c. 547, §B40 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 548, §§1,2 (AMD). RR 2021, c. 2, Pt. B, §119 (COR).

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