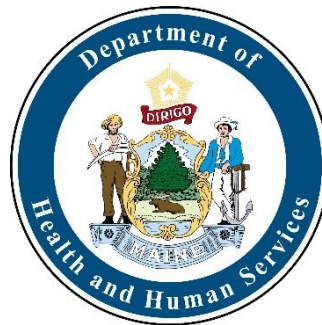


Division of Licensing and Certification

Bill Montejo, RN, Director

January 2021



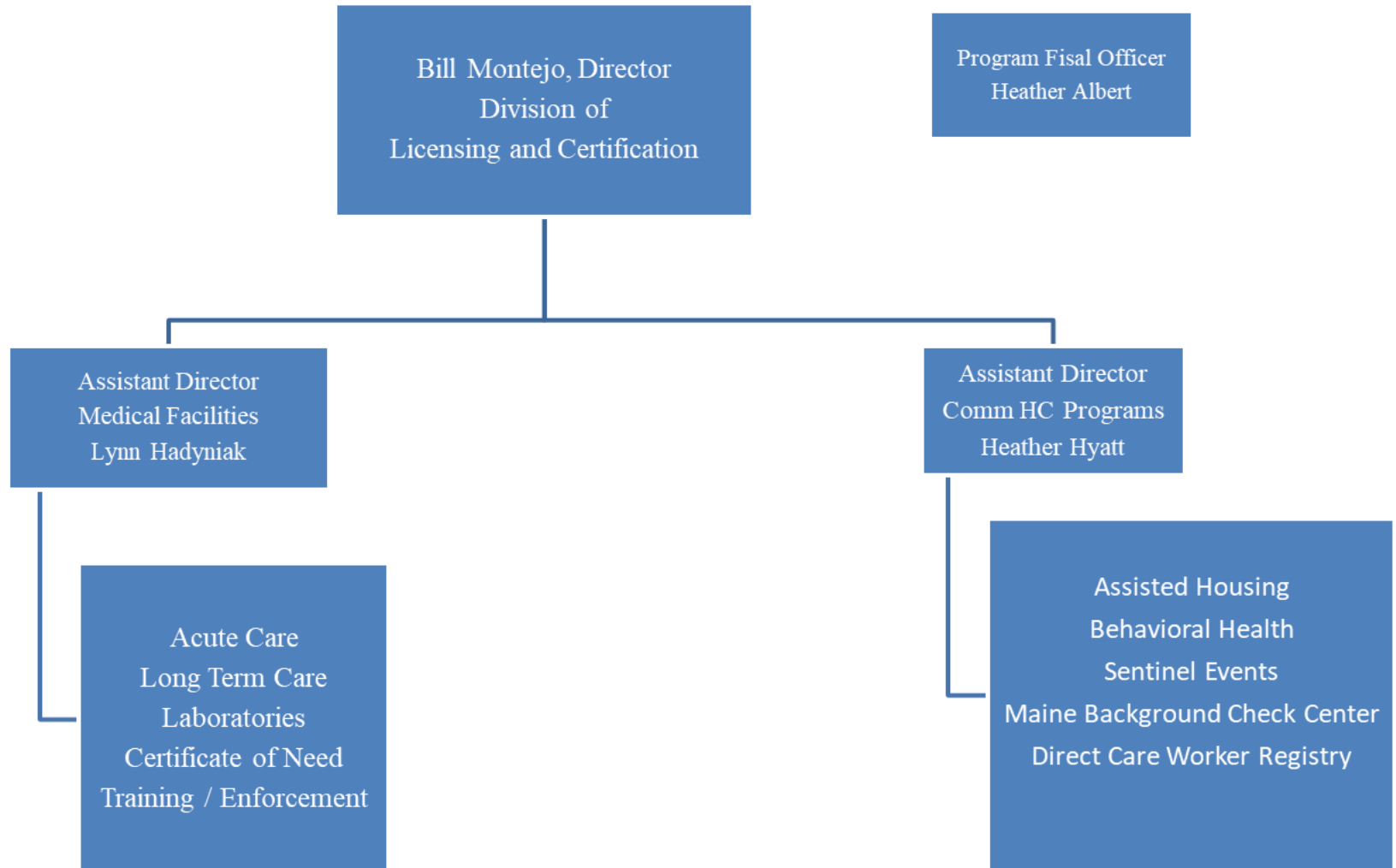
Protecting all Maine Citizens

The mission of the Division of Licensing and Certification (DLC) is to support access to quality and effective health care and social services for Maine people by developing and applying regulatory standards that help people have safe and appropriate outcomes.

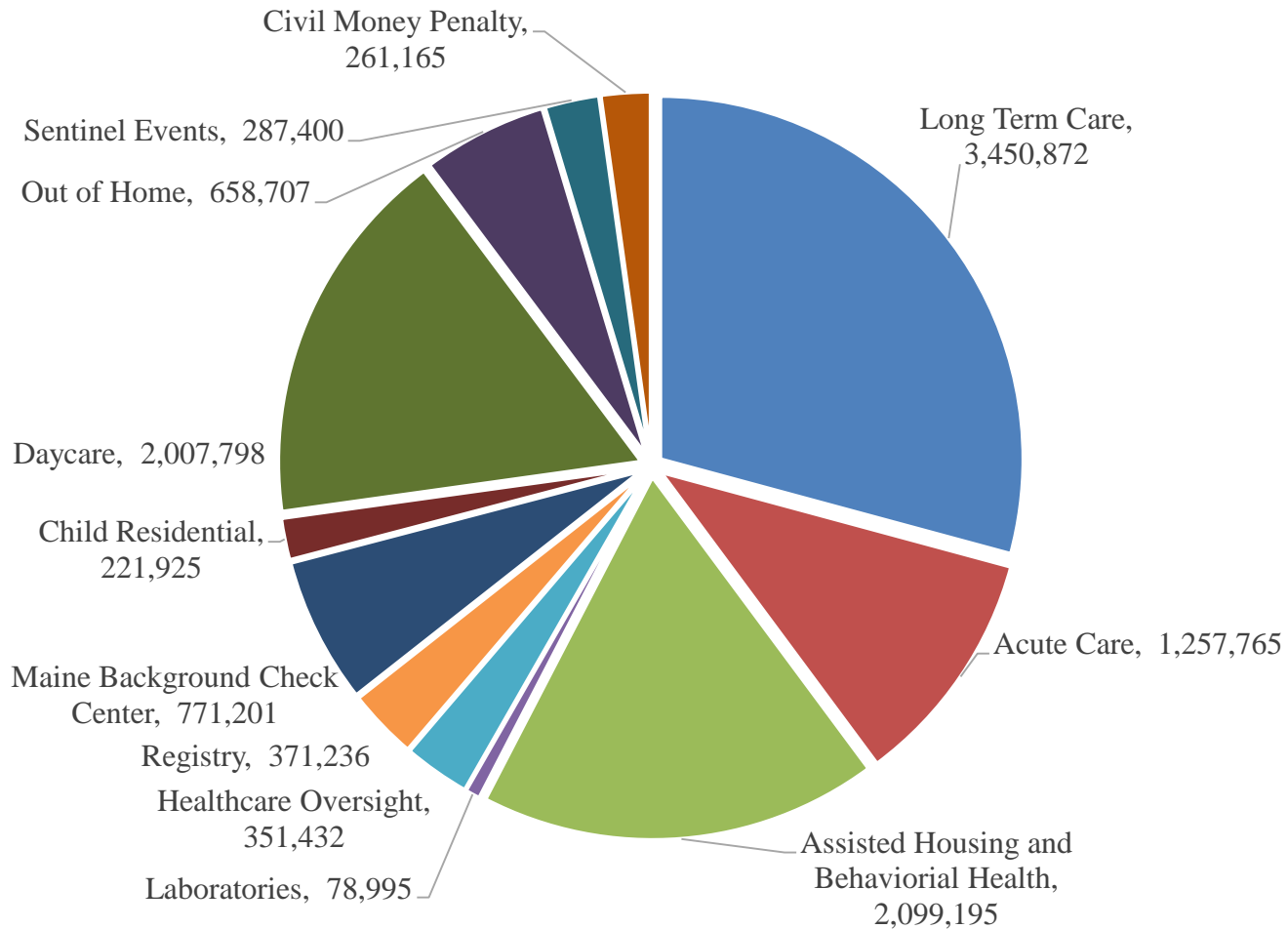
The Office At a Glance

Positions:	118
SFY '20 Expenditures:	\$11,817,692

DLC Leadership



Expenditures by Appropriation SFY20



Medical Facilities Unit

Medical Facilities Unit is responsible for:

- Federal certification, state licensing and complaint investigations of healthcare facilities and agencies licensed or registered by DLC throughout the state;
- Registering personal care agencies, temporary nurse agencies, placement agencies, and individuals who receive care through the family provider services option within MaineCare; and
- Healthcare oversight (Certificate of Need).

Medical Facilities Unit

DLC is the State Agency contracted to the Centers for Medicare and Medicaid Services ("CMS"). The Medical Facilities Unit of DLC provides federal certification and state licensing for the following:

- **Long term care** – nursing and skilled nursing facilities.
- **Acute care** – hospitals, home health agencies, ambulatory surgical centers, hospice agencies, dialysis centers, outpatient physical and speech therapy, portable x-rays, rural health clinics, intermediate care facilities for individuals with intellectual disabilities, a transplant center program, and clinical laboratories.

Medical Facilities Unit

Additionally, the **Healthcare Oversight Unit** of Medical Facilities Unit of DLC provides the following:

- Certificate of Need ("CON") - provides review and determination prior to major changes in Maine's healthcare landscape. Changes include:
 - *Mergers/acquisitions;
 - *New facilities/services;
 - *Substantial capital investments in new equipment or facilities;
 - *Changing access to services; and
 - *Increases in bed complement.
- Continuing Care Retirement Communities ("CCRC") – Certifies to the State's Bureau of Insurance that applicants seeking to operate a CCRC have all the required licenses, a CON, and can provide services;
- Tracking of nursing home and residential care beds; and
- Oversees compliance with Free Care Guidelines under 22 MRSA §1716.

Medical Facilities Unit

- DLC's Medical Facilities Unit certifies 1,305 clinical laboratories, 1 transplant center program, 5 outpatient physical and speech therapy providers, 38 rural health centers, and 2 portable x-ray agencies.
- DLC's Medical Facilities Unit licenses 38 State-licensed-only home health agencies, and 7 volunteer hospice agencies.
- DLC's Medical Facilities Unit certifies and licenses 38 hospitals, 15 ambulatory surgery centers, 16 intermediate care facilities for individuals with intellectual disabilities, 22 federally certified home health agencies, 20 dialysis facilities, 19 hospice agencies, and 93 nursing homes.

1,727 providers certified and licensed

Medical Facilities Unit

DLC's Medical Facilities Unit also **registers:**

- 179 personal care agencies,
- 120 temporary nurse agencies,
- 6 placement agencies, and
- 399 individuals who receives care through the family provider services option within MaineCare (as of 1/8/2021).

704 agencies and individuals registered

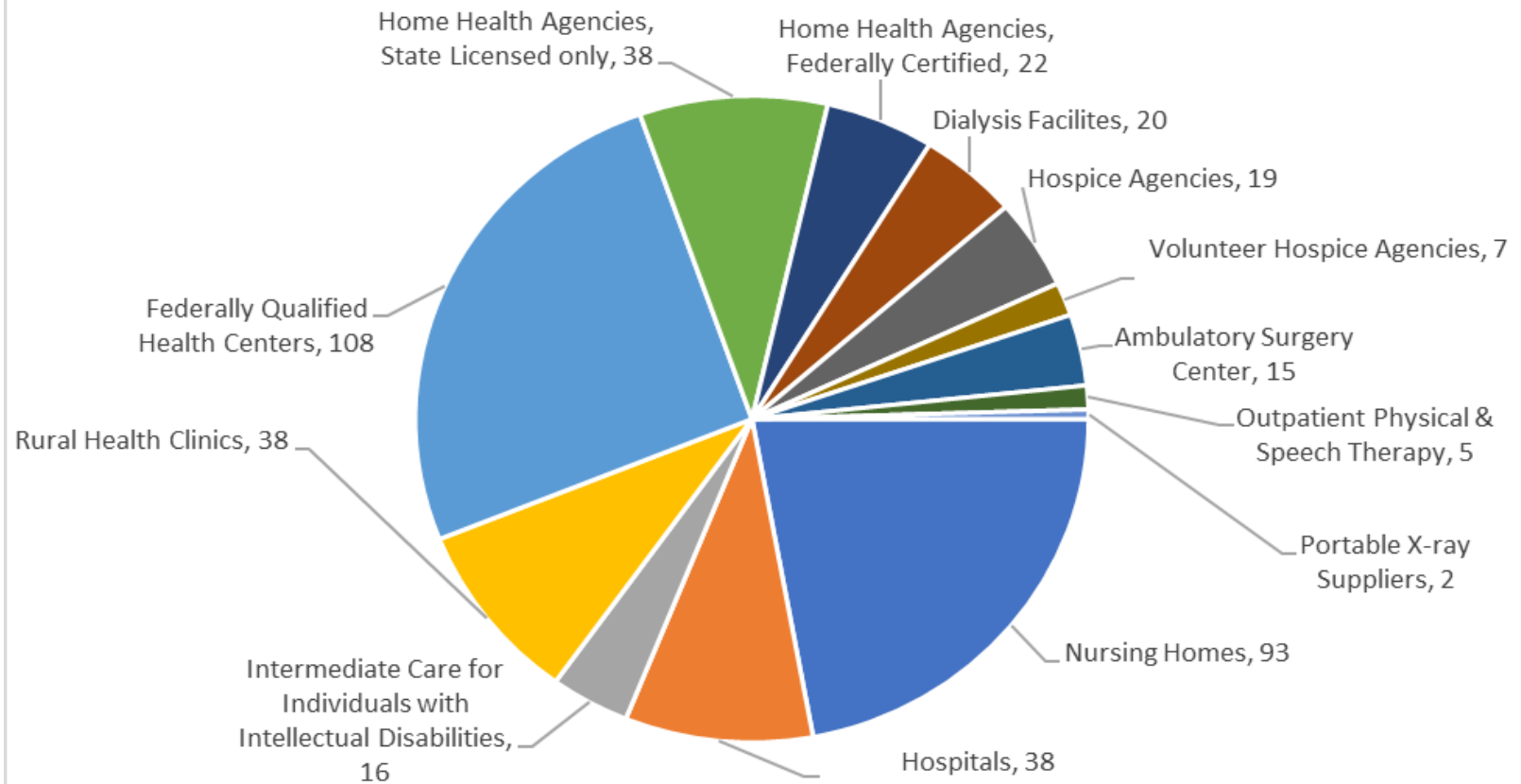
Medical Facilities Unit

- In State FY2020, the DLC's Medical Facilities Unit conducted 148 federal certification investigation surveys to determine compliance with minimum standards established by the federal government – the Centers of Medicare and Medicaid Services.
- In addition, we conducted an additional 83 federal investigation surveys with the focus on infection control practices in relation to COVID-19.
- We conducted 24 state licensure investigations to determine compliance with the State regulations for State-only home health agencies and volunteer hospice agencies.

255 Investigations in SFY 20

Medical Facilities Unit

Responsibilities by Medical Provider Type



Community Healthcare Programs

Community Healthcare Programs— responsible for:

- State licensing and regulatory oversight of assisted housing and behavioral health facilities;
- Maine Background Check Center: conducts criminal background checks for employers whose staff provide care and services to vulnerable Maine citizens;
- Maine Certified Nursing Assistant ("CNA") Registry; and
- Maine Sentinel Event program which reviews facility reports of sentinel events for thoroughness and completeness and provides data, newsletters, and outreach to try and improve quality outcomes in facilities and reduce the probability of reoccurrences.

Community Healthcare Programs Unit

The Community Healthcare Programs section of DLC is responsible for ensuring compliance with State licensure and regulatory compliance for:

Assisted Housing/Behavioral Health – Assisted living, residential care facilities, behavioral health providers and substance abuse agencies. This program licenses facilities that range in size from apartments with 1-2 residents, to large facilities with more than 125 residents. Behavioral health/substance use disorder programs are operated in more than 1,200 sites.

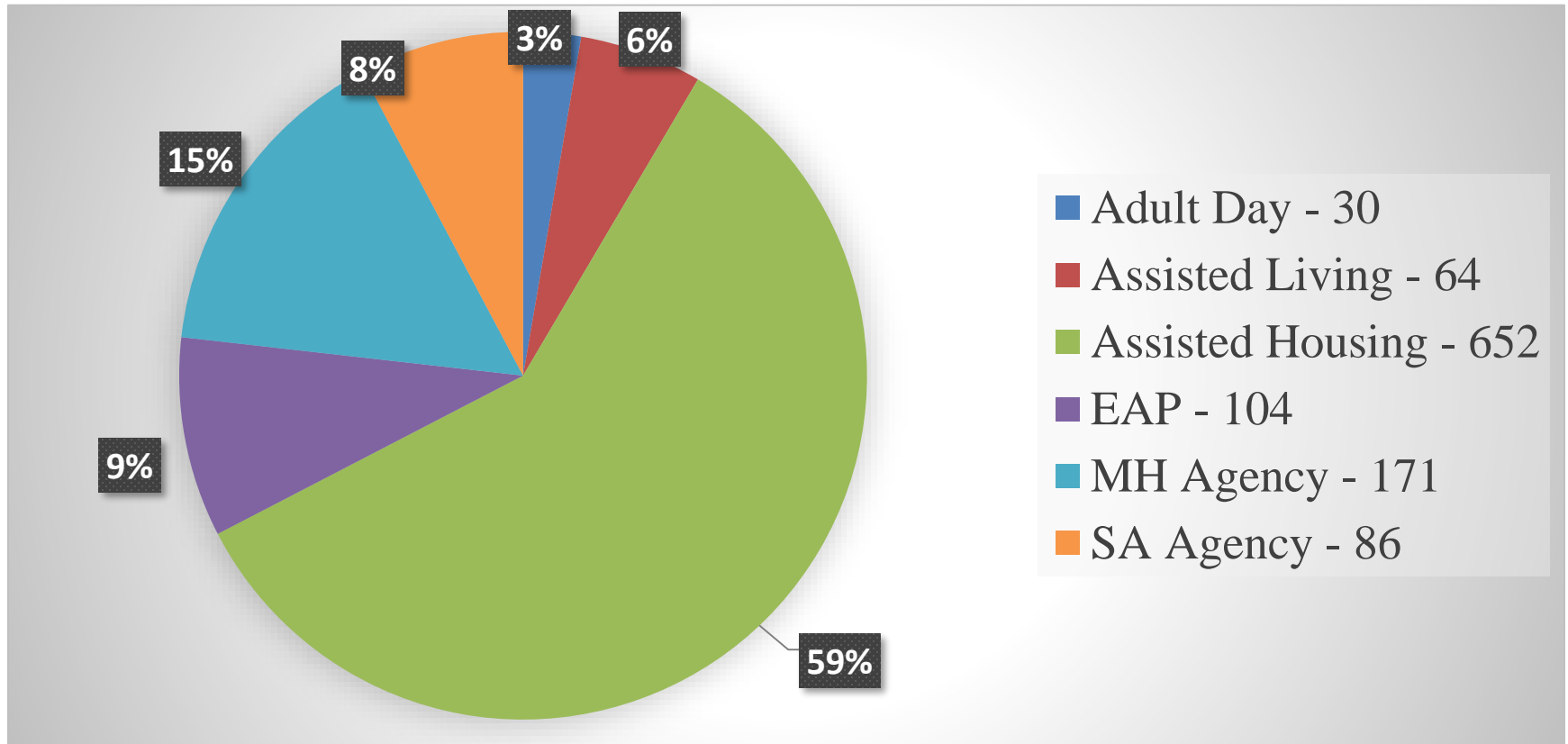
Sentinel Events Unit – Oversees mandatory reporting of sentinel events for hospitals, ambulatory surgical centers, dialysis centers and ICF/IID facilities.

Workforce Development – Operates the Certified Nursing Assistance/Direct Access Worker registry.

Maine Background Check Center – Provides an internet system for conducting background checks of direct access workers for nursing homes, assisted housing facilities, home health and hospice facilities, personal care agencies/placement agencies, behavioral health and substance abuse providers and childcare providers.

Community Healthcare Programs Unit

Assisted Housing and Behavioral Health Type



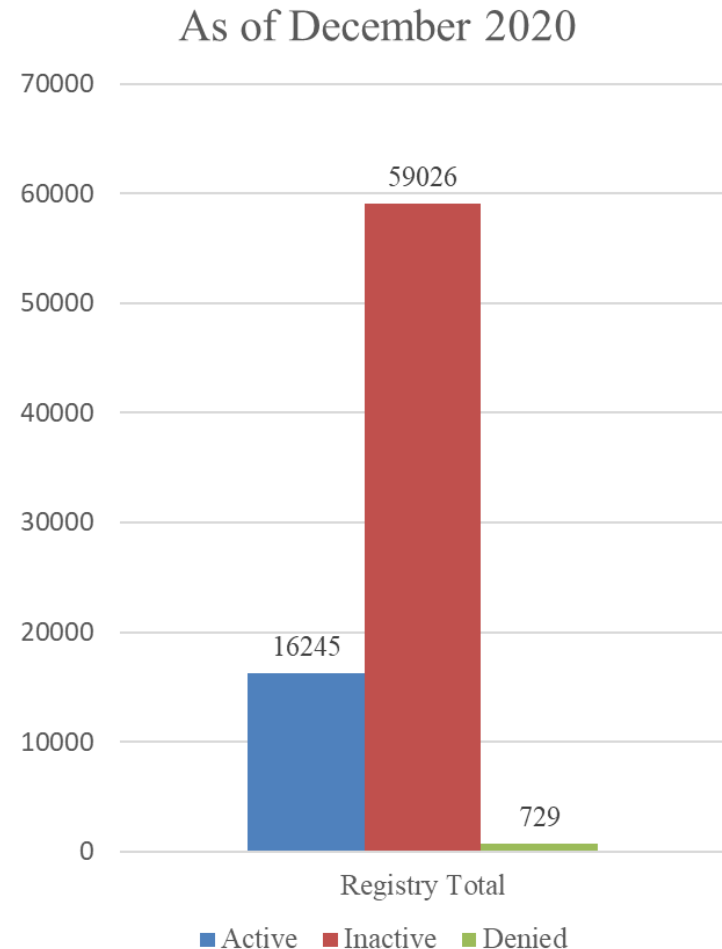
Community Healthcare Programs Unit

- DLC supports workforce development through maintenance of the Certified Nursing Assistants and Direct Care Worker Registry, and oversight of training for Personal Service Specialists and Certified Residential Medication Aides. There are 16,245 active Certified Nursing Assistants currently on the Registry.
- Maine is one of 28 states that has mandatory reporting of sentinel events by healthcare facilities. Covered providers are required to notify the Sentinel Event Team of serious adverse events within 24 hours of becoming aware of the event. Facilities must submit root cause analyses for sentinel events within 45 days of the report. The Sentinel Events Team maintains a database of sentinel events, causal factors and interventions. An annual report is sent to the Legislature.

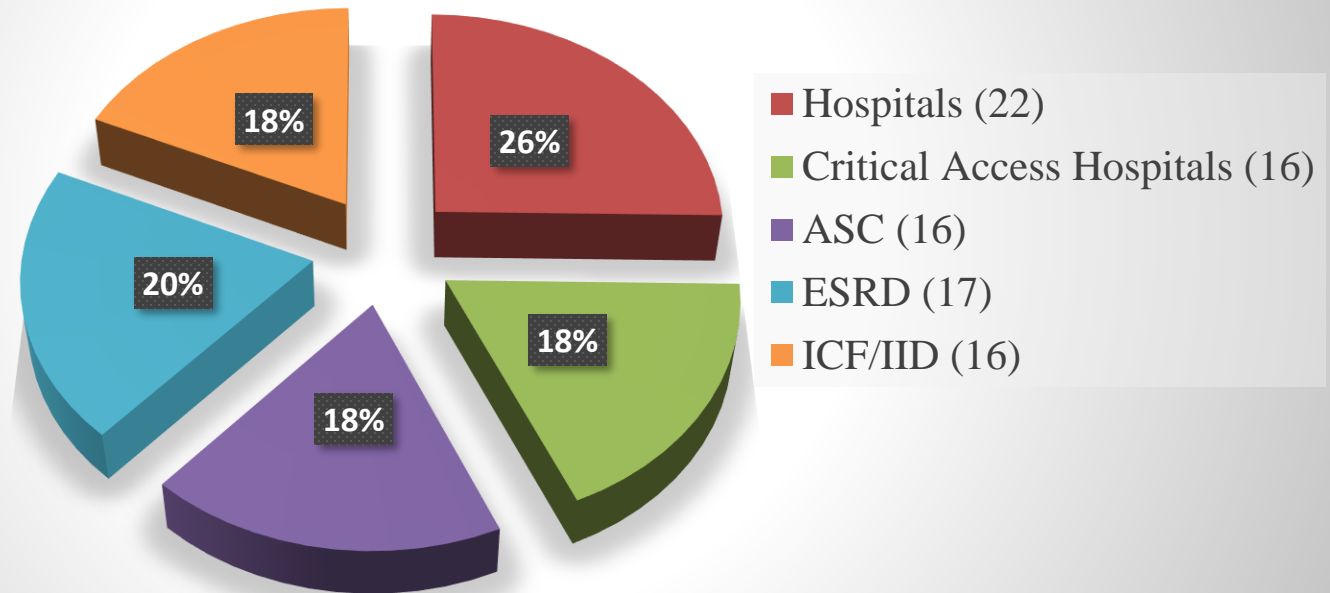
Community Healthcare Programs Unit

CNA and Direct Care Worker Registry

DLC maintains a Registry of more than 72,000 C.N.A.s, of which 16,245 are active. The Registry is publicly accessible and includes a listing of individuals who may no longer be certified as a CNA as the result of criminal convictions or annotation for abuse or neglect. Direct care workers who have a criminal conviction or annotation of abuse or neglect will also be listed on the Registry.

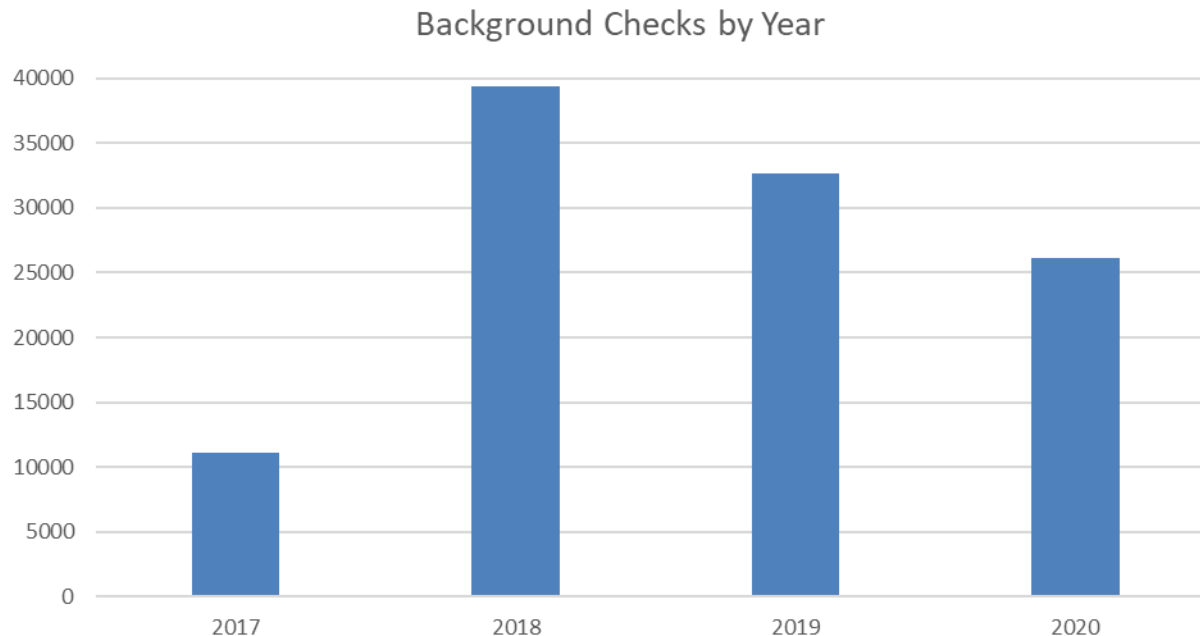


Facilities Covered by Sentinel Events by type



Maine Background Check Center

Operating since March 2017, The Maine Background Check Center has developed an interactive website and program for employers in more than 15 different health-related fields to verify the backgrounds of prospective employees ensuring residents and patients are protected. Since beginning operations, the Center has processed 109,300 applications through December 2020.



Complaint Information

In addition to certifying, licensing, and registering facilities and agencies DLC also investigates complaints against facilities and agencies, that allege regulatory violations that may impact health and safety.

- This includes complaints against some of the 108 federally-regulated health centers.
- In State FY 2020, we received 6,308 intakes/complaints alleging violations by facilities or agencies. We conducted 1,141 complaint surveys of these for possible regulatory violations.

COVID-19 Response

- Implementing and providing guidance on CMS waivers
- Emergency Infection Control Rules
- Assistance with Emergency Staffing
- Consultations with facilities and providers
 - Infection control
 - Acute outbreak needs
 - CMS regulatory clarifications – onsite infection control surveys
- Clinical Laboratory Improvement Amendments (CLIA) certification for COVID-19 testing sites
 - September 2020 = 51
 - November 2020 = 296

Questions?

Bill Montejo, RN, Director
Division of Licensing and Certification

