

**CHAPTER 1689****VETERANS' ADULT DAY HEALTH CARE PROGRAMS****§9001. Definition**

For purposes of this chapter, "veterans' adult day health care program" or "program" means a therapeutically oriented outpatient day program that provides health maintenance and rehabilitative services to participants eligible for services under Title 37-B, chapter 11; that provides individualized care delivered by an interdisciplinary health care team and support staff, with an emphasis on helping participants and their caregivers to develop the knowledge and skills necessary to manage care requirements in the program; and that is principally targeted for complex medical or functional needs of veterans and other eligible participants. "Veterans' adult day health care program" does not include a program for adults provided by a licensed residential facility, a day activity program licensed by the department or an adult day care program as defined in section 8601. [PL 2011, c. 444, §1 (NEW).]

**SECTION HISTORY**

PL 2011, c. 444, §1 (NEW).

**§9002. Rules**

The department shall adopt rules for veterans' adult day health care programs, which must include, but may not be limited to, rules pertaining to the health and safety of the eligible participants and staff, the quality of the program provided, the administration of medication and licensing procedures. Reimbursement to the provider of veterans' adult day health care must be at the rate of 65% of the MaineCare reimbursement for nursing facility care. The department shall use as guidance for the rules those established by the United States Department of Veterans Affairs, 38 Code of Federal Regulations, Part 52. [PL 2011, c. 444, §1 (NEW).]

**SECTION HISTORY**

PL 2011, c. 444, §1 (NEW).

**§9003. License**

**1. License required.** Beginning October 1, 2011, a person may not operate a veterans' adult day health care program in this State without having obtained a license from the department. [PL 2011, c. 444, §1 (NEW).]

**2. Fee.** The department shall by rule establish a reasonable fee for a program license. [PL 2011, c. 444, §1 (NEW).]

**SECTION HISTORY**

PL 2011, c. 444, §1 (NEW).

**§9004. Fire safety**

**1. Inspection required.** A license may not be issued by the department for a veterans' adult day health care program until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections indicating that the program's facility is in compliance with the applicable fire safety provisions in subsection 2 and Title 25, section 2452. [PL 2011, c. 444, §1 (NEW).]

**2. Life Safety Code.** The written statement under subsection 1 must be furnished annually to the department and must indicate that the veterans' adult day health care program's facility is in compliance

with the requirements of the National Fire Protection Association Life Safety Code that are specified in:

- A. The provisions relating to family day care homes, if the veterans' adult day health care program has no more than 6 adults per session; [PL 2011, c. 444, §1 (NEW).]
- B. The provisions relating to group day care homes, if the veterans' adult day health care program has at least 7 but no more than 12 adults per session; or [PL 2011, c. 444, §1 (NEW).]
- C. The provisions relating to child day care, if the veterans' adult day health care program has 13 or more adults per session. [PL 2011, c. 444, §1 (NEW).]  
[PL 2011, c. 444, §1 (NEW).]

**3. Fees.** The department shall establish and pay reasonable fees to the Department of Public Safety or a municipal official for each inspection under this section. Fees collected by the Department of Public Safety under this subsection must be deposited into a special revenue account to defray expenses in carrying out this section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.  
[PL 2011, c. 444, §1 (NEW).]

#### SECTION HISTORY

PL 2011, c. 444, §1 (NEW).

#### §9005. Prohibited employment based on disqualifying offenses

**1. Prohibited employment based on disqualifying offenses.** A veterans' adult day health care program shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including, but not limited to, a certified nursing assistant or a direct care worker.

- A. [PL 2015, c. 196, §16 (RP); PL 2015, c. 299, §24 (RP).]
- B. [PL 2015, c. 196, §16 (RP); PL 2015, c. 299, §24 (RP).]
- C. [PL 2015, c. 196, §16 (RP); PL 2015, c. 299, §24 (RP).]

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[PL 2015, c. 196, §16 (AMD); PL 2015, c. 299, §24 (RPR).]

#### SECTION HISTORY

PL 2011, c. 444, §1 (NEW). PL 2015, c. 196, §16 (AMD). PL 2015, c. 299, §24 (RPR).

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