

CHAPTER 1505

ADULT DAY CARE

§6201. Legislative intent

1. Findings. The Legislature finds that:

A. Many adults with long-term care needs who are at risk of institutionalization are in need of the range of health and related services that can be provided more efficiently in an adult day care program within a long-term health care facility or at another community site; [PL 1989, c. 347, §1 (AMD).]

B. Many spouses and families, who are caring for adults with long-term care needs who are at risk of placement in an institutional setting, are in need of assistance for extended hours on a regular or respite basis; [PL 1989, c. 347, §1 (AMD).]

C. For many adults with long-term care needs, it may be less costly for the State to provide adult day care to supplement the care provided by the family than to provide 24-hour long-term care in institutional settings; and [PL 1989, c. 347, §1 (AMD).]

D. [PL 1989, c. 347, §1 (RP).]

E. Long-term health related care facilities and other community-based programs located throughout the State could respond to the adult day care needs of individuals and their families. [PL 1989, c. 347, §1 (AMD).]

[PL 1989, c. 347, §1 (AMD).]

2. Policy. The Legislature declares that it is the policy of this State:

A. [PL 1989, c. 347, §1 (AMD).]

B. To enhance the systems of in-home services by utilizing the resources available through long-term care facilities and community-based programs; [PL 1989, c. 347, §1 (AMD).]

C. To assure that the recipients of adult day care services from long-term care facilities and other community-based programs, pursuant to this chapter, are the elderly and disabled adults who are at the greatest risk of being placed in a long-term care institutional setting; [PL 1989, c. 347, §1 (AMD).]

D. [PL 1989, c. 347, §1 (RP).]

E. To develop payment policies for long-term care facilities and community-based programs that will allow fair and equitable payments for services provided pursuant to this chapter; and [PL 1989, c. 347, §1 (AMD).]

F. To establish a permanent program of adult day care, to be provided through both long-term care facilities and in community-based programs. [PL 1989, c. 347, §1 (NEW).]

[PL 1989, c. 347, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §1 (AMD).

§6202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 545, §1 (NEW).]

1. Adult day care. "Adult day care" means an ongoing program of health, social, maintenance and rehabilitative services available to persons needing this level of service, as determined by an assessment of their functional abilities and need for health and social services.
[PL 1989, c. 347, §2 (AMD).]

2. Adults with long-term care needs. "Adults with long-term care needs" means adults who have physical or mental limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently, or who are at risk of being placed, or who already have been placed in an institutional setting.
[PL 1983, c. 545, §1 (NEW).]

3. Agreement. "Agreement" means a contract, grant or other method of payment.
[PL 1983, c. 545, §1 (NEW).]

4. Demonstrations.
[PL 1989, c. 347, §3 (RP).]

4-A. Community-based program. "Community-based program" means a program of adult day care offered outside of a long-term health care facility and which meets the licensing and program standards of the Department of Health and Human Services.
[PL 1989, c. 347, §4 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

5. Department.
[PL 2011, c. 657, Pt. BB, §13 (RP).]

6. In-home services.
[PL 1989, c. 347, §6 (RP).]

6-A. Licensed adult day care program. A "licensed adult day care program" means a program of adult day care which has been licensed by the Department of Health and Human Services according to section 8602.
[PL 1989, c. 347, §7 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

7. Long-term health care facilities. "Long-term health care facilities" means intermediate care and skilled nursing facilities and units, licensed pursuant to chapter 405.
[PL 1983, c. 545, §1 (NEW).]

8. Provider. "Provider" means any facility or program which meets the licensing and program standards of the department.
[PL 1989, c. 347, §8 (NEW).]

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §§2-8 (AMD). PL 1989, c. 878, §B19 (AMD). PL 2003, c. 689, §B6 (REV). PL 2011, c. 657, Pt. BB, §13 (AMD).

§6203. Rules; agreements

1. Rules. The department shall adopt such rules as may be necessary for the effective administration of adult day care pursuant to this chapter, in accordance with Title 5, chapter 375. In the development of these rules, the department shall consult with the associations representing care facilities and area agencies on aging.
[PL 2023, c. 405, Pt. A, §76 (AMD).]

2. Agreements. In order to provide adult day care and other services, the department may enter into agreements with long-term health care facilities and community-based programs, separate and distinct from any other agreements between the department and the same facility or programs.

A facility or program providing adult day care pursuant to this chapter shall enter into an agreement with the department. Each agreement must specify, among other things, the services to be provided, the fees for services, the method of payment, records to be maintained and the provisions for evaluating the services provided.

[PL 2023, c. 405, Pt. A, §76 (AMD).]

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 329, §22 (AMD). PL 1989, c. 347, §9 (AMD). PL 1989, c. 878, §A64 (AMD). PL 2023, c. 405, Pt. A, §76 (AMD).

§6204. Sites; other services

(REPEALED)

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 329, §23 (AMD). PL 1989, c. 347, §10 (RP). PL 1989, c. 878, §B20 (RP).

§6205. Fees

(REPEALED)

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §10 (RP).

§6206. Eligibility

(REPEALED)

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §10 (RP).

§6207. Payment

(REPEALED)

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §10 (RP).

§6208. Report

A report of services provided pursuant to this chapter shall be included in the annual Maine Social Services Report. [PL 1989, c. 347, §11 (RPR).]

SECTION HISTORY

PL 1983, c. 545, §1 (NEW). PL 1989, c. 347, §11 (RPR).

§6209. Funds

1. Distribution. The department shall disburse funds, pursuant to this Subtitle, in a manner that ensures, to the extent practicable, equitable distribution of services among adults with long-term care needs and the various regions of the State.

[PL 1989, c. 347, §12 (NEW).]

2. Fee scale. The department shall develop, wherever practicable, sliding fee scales for adult day care services provided pursuant to this Subtitle.

[PL 1989, c. 347, §12 (NEW).]

SECTION HISTORY

PL 1989, c. 347, §12 (NEW).

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