



MEMORANDUM

Date: May 13, 2024

To: Skilled Nursing and Nursing facilities, including Multi-Levels, *via email to all contacts on file.*

From: Division of Licensing and Certification (“DLC”)

Re: Letter of Guidance re: required timeline for submission of license renewal application.

The Division of Licensing & Certification is providing this Letter of Guidance to reiterate the requirement for timely submission of a license renewal application, and to ensure all facilities are aware that DLC will not back date a license.

Maine’s *Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities (“Regulations”)*, 10-144 CMR Chapter 110, require facilities to submit fully completed renewal applications, all required documents, and correct payment **at least 20 days prior to the expiration of the facility’s existing license:**

3.C. Renewal of License

At least twenty (20) days prior to the expiration of a license to operate a facility, an application and the required fee for a renewal thereof shall be submitted to the Department on a form approved by the Department, and accompanied by such additional information as may be required....

Failure to send in the completed application, with required documents, and accurate payment 20 days or more before the expiration date of the facility’s existing license may result in a facility operating without a license, which is a violation of statute (22 M.R.S. § 1811) and the Regulations at 2.A, and may result in non-payment of services for those days the facility was unlicensed (2.A.3):

2.A. Requirements

- 2.A.1. *No person or entity shall operate a nursing facility without a license from the Department in force, authorizing such operation. (Title 22, Section 1811)*
- 2.A.2. *The person or entity applying for the license shall be responsible for complying with Maine Statutes and all rules and regulations adopted pursuant thereto. (Title 22, Section 1811)*
- 2.A.3. *Reimbursement shall not be accepted, by any person, for rendering nursing facility care for even one person not a relative within the third degree of kinship, without such person having first secured a license in force, authorizing such operation in accordance with these regulations.*

Please be advised that once a license has expired, submitting a completed application and correct payment does not continue the prior license. 5 M.R.S. § 10002. When an application and payment are received after the expiration of a license, any license issued by DLC will be given an effective date of the date DLC received the complete application (all questions answered fully and correctly), all required additional documents, and correct payment. This will make the application one for a new, not renewed, license. Licenses will not be backdated.

Example: ABC Nursing Home's Maine license expired 3/30/23, but DLC did not receive ABC's completed application, all required documents, and correct payment until 4/15/23. DLC will issue a new license—not a renewal of the old license-- and the new license's effective date will be 4/15/23, not 3/30/23. This means ABC operated from 4/1/23 through 4/14/23 without a license.

If you have any questions, please contact Lynn Hadyniak, JD, Associate Director of the Medical Facilities Unit of DLC, at Lynn.Hadyniak@Maine.gov.