

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4-30-97

(Filing No. H-284)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 769, L.D. 1046, "Resolve, to Study the Implementation of a Statewide Criminal Record Check of Home Care Providers to Ensure Safety for Citizens Receiving Care in Community-based Settings"

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Study Registration for In-home Personal Care and Support Workers'

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine citizens who require in-home personal care and support are living in a variety of settings and receiving that care from providers whose background information may be difficult to obtain; and

Whereas, without access to background information consumers can not make informed decisions in the hiring and employment of their personal care and support workers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2 **Sec. 1. Task force established. Resolved:** That the Task Force on
Registration of In-home Personal Care and Support Workers,
4 referred to in this resolve as "task force," is established to
study the registration of personal care and support workers who
6 work in homes, assisted living centers, residential care
facilities and supported living arrangements; and be it further

8 **Sec. 2. Task force membership. Resolved:** That the task force
consists of the following members:

10 1. The Commissioner of Human Services or the commissioner's
12 designee and a member of the Division of Licensure and
Certification of the Department of Human Services chosen by the
14 commissioner;

16 2. The Commissioner of Public Safety or the commissioner's
designee;

18 3. The Commissioner of Mental Health, Mental Retardation
20 and Substance Abuse Services or the commissioner's designee;

22 4. The following members are jointly appointed by the
President of the Senate and the Speaker of the House:

24 A. One member of the Joint Standing Committee on Health and
26 Human Services and one member of the Joint Standing
Committee on Criminal Justice, of whom one member must be
28 from each major political party;

30 B. One representative of providers of in-home personal care
and support;

32 C. One representative of an assisted living center,
34 residential care facility or supported living facility;

36 D. One representative of consumers receiving consumer
directed care;

38 E. One representative of the long-term care ombudsman
40 program; and

42 F. One representative of the Legal Services for the
Elderly, Inc.; and be it further

44 **Sec. 3. Appointments; meetings. Resolved:** That all
46 appointments must be made no later than 30 days following the
effective date of this resolve. The Executive Director of the
48 Legislative Council must be notified by all appointing
authorities once the selections have been made. Within 15 days
50 of the appointment of all members, the Chair of the Legislative

Council shall call and convene the first meeting of the task force. The task force shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the task force shall:

1. Examine laws from other states relating to the registration of personal care and support workers providing services in homes, assisted living centers, residential care facilities and supported living facilities;

2. Examine registration, recording and reporting systems for personal background information and criminal record checks of personal care and support workers working in homes, assisted living centers, residential care facilities and supported living facilities;

3. Evaluate different registration, recording and reporting systems, including, but not limited to, the impact on consumer choice and consideration of timeliness and cost for consumers, persons providing care, agencies or entities employing persons providing care and payors for care, including the State and the Medicaid program; and

4. Make recommendations, together with any necessary implementing legislation, on the subject of registration of personal care and support workers providing services in homes, assisted living centers, residential care facilities and supported living facilities; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Human Services shall provide staffing assistance; and be it further

Sec. 6. Voluntary service. Resolved: That the members of the task force shall serve without compensation or reimbursement of any type; and be it further

Sec. 7. Report. Resolved: That the task force shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services and the Second Regular Session of the 118th Legislature no later than January 1, 1998. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the resolve by inserting at the end before the summary the following:

2
4
6
8
10
12
14
16
18
20
22

FISCAL NOTE

The additional costs associated with providing staff assistance to the Task Force on Registration of In-home Personal Care and Support Workers can be absorbed by the Department of Human Services utilizing existing budgeted resources.

The Department of Public Safety will incur some minor additional costs to participate as a member of the task force. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment strikes out the entire resolve and establishes the Task Force on Registration of In-home Personal Care and Support Workers to study the registration of personal care and support workers who work in homes, assisted living centers, residential care facilities and supported living facilities.