

MAINE STATE LEGISLATURE

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L.D. 401,

(Filing No. S-178)

STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 147, L.D. 401,
Bill, "AN ACT to Establish an Alternative to the Cer-
tificate of Need Process to Address the Needs of
Medicaid Patients in Need of Nursing Home Care."

Amend the bill by striking out all of the title
and inserting in its place the following:

'RESOLVE, to Establish a Joint Select Committee on
Long-term Care Staffing Issues.'

Further amend the bill by striking out everything
after the title and inserting in its place the fol-
lowing:

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

Whereas, the Medicaid program has a fundamental
obligation to meet the needs of eligible individuals
in need of nursing home care; and

Whereas, nursing homes provide a community ser-
vice by providing care to Medicaid eligible individu-
als; and

Whereas, the provision of additional beds by it-
self will not satisfy the needs of all individuals;
and

Whereas, the Medicaid program has an obligation
to provide reasonable payments to meet the needs of
eligible individuals; and

Whereas, a determination of the appropriate mech-

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1 anism to meet these needs will require further analy-
2 sis and experimentation; and

3 Whereas, in the judgment of the Legislature,
4 these facts create an emergency within the meaning of
5 the Constitution of Maine and require the following
6 legislation as immediately necessary for the preser-
7 vation of the public peace, health and safety; now,
8 therefore, be it

9 **Study authorized. Resolved:** That the Legisla-
10 ture is authorized to conduct an independent analysis
11 and review of:

12 1. The current problem of nursing availability
13 to meet the needs for health care services in the
14 community, including home health, hospitals and nurs-
15 ing homes;

16 2. The appropriate job classification level of
17 direct care-giving personnel in Maine's nursing homes
18 and home care agencies, defining the education and
19 skill required for each classification level and the
20 appropriate method of certification, including ade-
21 quacy of management training for these personnel;

22 3. The appropriate method of determining classi-
23 fication levels of staff required to provide the lev-
24 el of care needed in today's nursing homes and home
25 care agencies;

26 4. The number of direct-care personnel required
27 to adequately staff hospitals, nursing homes and home
28 care agencies to meet the growing demands placed on
29 Maine's long-term care system and the potential labor
30 supply, by region, available in Maine;

31 5. The wage benefits and incentives required to
32 attract and retain people from the available Maine
33 labor pool appropriate to each job classification and
34 region of the State;

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1 6. The ability of Maine's educational system to
2 meet basic needs and to supply ongoing training and
3 education which will allow vertical movement from one
4 job classification to the next;

5 7. The appropriate reimbursement level, which
6 ensures that Maine's hospitals, nursing homes and
7 home care agencies are able to attract and retain
8 sufficient levels of staff, including a review of the
9 cost-sharing system proposed in Legislative Document
10 332 in the First Regular Session of the 113th Legis-
11 lature; and

12 8. Strategies to resolve nursing and other
13 direct-care staff shortages in all areas of long-term
14 care; and be it further

15 **Committee established. Resolved:** That the Joint
16 Select Committee on Long-term Care Staffing Issues is
17 established. The committee shall be composed of 5
18 members, appointed in the following manner: Two mem-
19 bers of the Joint Standing Committee on Human Re-
20 sources, one Senator appointed by the President of
21 the Senate and one Representative appointed by the
22 Speaker of the House; and one member each from the
23 Joint Standing Committee on Appropriations and Finan-
24 cial Affairs, the Joint Standing Committee on Labor
25 and the Joint Standing Committee on Education, ap-
26 pointed jointly by the President of the Senate and
27 the Speaker of the House; and be it further

28 **Advisory board. Resolved:** That the Governor
29 shall appoint the Advisory Board on Long-term Care
30 Staffing Issues to advise and assist the committee in
31 its investigation, consisting of: one representative
32 of the Department of Labor; one representative of the
33 Department of Human Services; one representative of
34 the Department of Educational and Cultural Services;
35 one representative of the Maine Committee on Aging;
36 one representative of the Maine Health Care Associa-
37 tion; one representative of Health Care Provider,
38 Inc.; one representative of the Home Care Alliance of

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1 Maine; one representative of the Maine Hospital Asso-
2 ciation; one representative of the Maine Association
3 of Certified Nursing Assistants; one representative
4 of the Long-term Care Nursing Council; one represen-
5 tative of the Commission on Nursing Supply and Acces-
6 sibility; one professional research person employed
7 by a Maine labor organization; and one professional
8 labor economist; and be it further

9 **Appointments. Resolved:** That each person re-
10 quired to make an appointment or appointments under
11 this resolve shall make the appointment or appoint-
12 ments within 30 days of the effective date of this
13 resolve and shall notify the Chairman of the Legisla-
14 tive Council of their appointments; and be it further

15 **Convening of committee; board. Resolved:** When
16 the appointment of all committee members and advisory
17 board members is completed, the Chairman of Legisla-
18 tive Council shall convene the first meeting of the
19 committee within 15 days. The committee shall choose
20 a chairman from among its members. Within 30 days of
21 the first meeting of the committee, the committee's
22 chairman shall convene the first meeting of the ad-
23 visory board and shall select a chairman from among
24 the advisory board members; and be it further

25 **Report. Resolved:** That the committee shall
26 present its findings, together with any recommended
27 legislation, to the First Regular Session of the
28 114th Legislature by January 15, 1989; and be it fur-
29 ther

30 **Assistance. Resolved:** That, if staff assistance
31 is desired, assistance shall be requested from the
32 Legislative Council. The committee, in consultation
33 with the Legislative Council, may retain professional
34 consultants with expertise in this area to assist in
35 the study; and be it further

36 **Compensation. Resolved:** That the members of the
37 committee who are Legislators shall receive the leg-

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1 islative per diem, as defined in the Maine Revised
2 Statutes, Title 3, section 2, for each day of attend-
3 ance at committee meetings. All members of the com-
4 mittee, except state employees, shall receive reim-
5 bursement for expenses upon application to the Execu-
6 tive Director of the Legislative Council; and be it
7 further

8 **Appropriation. Resolved:** That the following
9 funds are appropriated from the General Fund to carry
10 out the purposes of this resolve.

11 1987-88

12 LEGISLATURE

13 Joint Select Committee
14 on Long-term Care
15 Staffing Issues

16 Personal Services \$ 1,650
17 All Other 56,100

18
19 Total \$57,750

20 **Emergency clause.** In view of the emergency cited
21 in the preamble, this resolve shall take effect when
22 approved.'

23 FISCAL NOTE

24 This amendment requires a General Fund appropria-
25 tion of \$57,750 as shown above. This will provide
26 funding for per diem and meeting expenses for all
27 members of the committee that are not state employ-
28 ees. It also provides \$50,000 to fund a consultant
29 study of the Medicaid program.

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STATEMENT OF FACT

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This amendment replaces the original bill and establishes a Joint Select Committee on Long-term Care Staffing Issues. It also establishes an advisory committee to provide advice to the joint select committee. The committee may hire outside consultants upon the approval of the Legislative Council.

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Reported by Senator Gauvreau for the Committee on Human Resources. Reproduced and Distributed Pursuant to Senate Rule 12.
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