

MAINE STATE LEGISLATURE

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L.D. 2203

(Filing No. S-454)

STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 847, L.D. 2203,
"Resolve, Establishing the Commission to Study the
Status of the Nursing and Health Care Professions in
Maine."

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

'RESOLVE, To Establish the Commission to Study
the Status of Nursing Professions in Maine.'

Further amend the resolve by striking out
everything after the title 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, the State has a fundamental obligation to
assure that hospitals and nursing homes receive
sufficient reimbursement to meet their nursing staff
needs; and

Whereas, a determination of the appropriate
mechanism to meet these needs will require further
analysis and experimentation; and

Whereas, in the judgment of the Legislature, these

COMMITTEE AMENDMENT " A " to S.P. 847, L.D. 2203

1 facts create an emergency within the meaning of the
2 Constitution of Maine and require the following
3 legislation as immediately necessary for the
4 preservation of the public peace, health and safety;
5 now, therefore, be it

6 Commission established. Resolved: That there
7 is established the Commission to Study the Status of
8 Nursing Professions in Maine; and be it further

9 Membership; appointment; compensation.
10 Resolved: That the commission shall consist of 17
11 members as follows: Two Senators, appointed by the
12 President of the Senate; 3 members of the House of
13 Representatives, appointed by the Speaker of the
14 House; the Commissioner of Human Services or a
15 designee; the Commissioner of Educational and Cultural
16 Services or a designee; the Commissioner of Labor or a
17 designee; 3 members of the general public who are
18 consumers of health care, but who are neither nursing
19 professionals nor health care management
20 professionals, one appointed by the President of the
21 Senate, one appointed by the Speaker of the House and
22 one appointed by the Governor; 3 members representing
23 direct care nursing staff, one appointed by the
24 President of the Senate, one appointed by the Speaker
25 of the House and one appointed by the Governor; and 3
26 health care management professionals, one appointed by
27 the President of the Senate, one appointed by the
28 Speaker of the House and one appointed by the Governor.

29 In appointing the members representing direct care
30 nursing staff and the health care management
31 professionals, the President of the Senate, the
32 Speaker of the House and the Governor shall solicit a
33 list of direct care nursing staff representatives
34 recommended for membership on the commission from
35 organizations representing direct care nursing staff
36 and a list of health care management professionals
37 recommended for membership on the commission from
38 health care management organizations. The President
39 of the Senate, the Speaker of the House and the
40 Governor shall consider the names submitted by those
41 professional organizations before making their
42 appointments of the nursing professionals and health
43 care management professionals.

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COMMITTEE AMENDMENT "A " to S.P. 847, L.D. 2203

1 The commission shall select a chairman from among
2 its members. The Chairman of the Legislative Council
3 shall convene the first meeting, which shall take
4 place no later than 30 calendar days after the
5 effective date of this resolve. Legislative members
6 of the commission shall receive per diem compensation
7 and other voting members of the commission shall be
8 compensated for their expenses. The commission may
9 organize subcommittees to investigate specific areas
10 of study and may hold hearings in the course of its
11 study; and be it further

12 **Study authorized. Resolved:** That the
13 commission shall conduct an independent analysis and
14 review of:

15 1. The current problem of nursing availability
16 for health care services in the community, including
17 home health, hospitals, nursing homes and boarding
18 home facilities, industrial nurses, schools and other
19 health care institutions or entities, both public and
20 private, concerning recruitment and retention;

21 2. The appropriate role in the patient assessment
22 team of direct care personnel in the State's
23 hospitals, nursing homes and home health agencies,
24 defining the education and skill required for each
25 classification level and the appropriate method of
26 certification, including adequacy of management
27 training for these personnel;

28 3. The appropriate method of determining
29 classification levels of staff required to provide the
30 level of care needed in today's nursing homes,
31 boarding home facilities and home care agencies;

32 4. The nursing staff-to-patient ratio required to
33 staff adequately hospitals, nursing homes, boarding
34 home facilities and home care agencies to meet the
35 growing demands placed on the State's health care
36 system and the potential labor supply, by region,
37 available in the State;

38 5. The ability of the State's educational system
39 to meet basic nurse's training and education needs and
40 to supply ongoing nurse's training and education which
41 will allow vertical movement within a facility setting;

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1 6. The growth of nursing pool agencies and what
2 impact those agencies have on the current projected
3 nursing shortage;

4 7. The wage benefits and incentives required to
5 attract and retain people from the available state
6 labor pool appropriate to each job classification and
7 region of the State;

8 8. The various reimbursement systems for and
9 agencies regulating training, education and wages for
10 home health, nursing home and hospital services to
11 study and evaluate how the various reimbursement
12 systems could be better coordinated and develop
13 recommendations to correct any inequities which might
14 exist;

15 9. Strategies to resolve nursing and other direct
16 care provider shortages in all areas of health care;

17 10. Appropriate marketing approaches to the field
18 of nursing to raise the expectations of those entering
19 the profession and to assist in the recruitment and
20 retention of those in the profession; and

21 11. The impact of the shortage in the nursing
22 professions on the delivery of quality health care and
23 its effects on both nursing personnel and health care
24 consumers in urban, suburban and rural health care
25 facilities and settings; and be it further

26 **Reports. Resolved:** That the commission shall
27 present its findings, together with any recommended
28 legislation, to the joint standing committee of the
29 Legislature having jurisdiction over human resources
30 to the First Regular Session of the 114th Legislature
31 by March 1, 1989; and be it further

32 **Assistance. Resolved:** That the Department of
33 Human Services, the Department of Educational and
34 Cultural Services and the Department of Labor shall
35 provide staff support for this commission, and that
36 further staff assistance may be requested, as
37 necessary, from the Legislative Council; and be it
38 further

