

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2236

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H.P. 1637 House of Representatives, February 11, 1988

Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Human Resources suggested  
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative BOUTILIER of Lewiston.

Cosponsored by Senator GILL of Cumberland, President PRAY  
of Penobscot and Representative PINES of Limestone.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1 RESOLVE, To Establish a Joint Select  
2 Committee and an Advisory Board on  
3 Long-Term Care Staffing Issues.  
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5 **Emergency preamble.** Whereas, Acts and resolves  
6 of the Legislature do not become effective until 90  
7 days after adjournment unless enacted as emergencies;  
8 and

9 Whereas, the State has a fundamental obligation to

1 assure that hospitals and nursing homes receive  
2 sufficient reimbursement to meet their nursing staff  
3 needs; and

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

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

13 Committee established. Resolved: That the  
14 Joint Select Committee on Nursing Staff Issues is  
15 established. The committee shall consist of 5 members  
16 who shall be appointed in the following manner: 2  
17 members appointed by the President of the Senate and 3  
18 members appointed by the Speaker of the House; and be  
19 it further

20 Study authorized. Resolved: That the committee  
21 shall conduct an independent analysis and review of:

22 1. The current problem of nursing availability to  
23 meet the needs for health care services in the  
24 community, including home health, hospitals, nursing  
25 homes and boarding home facilities;

26 2. The appropriate role in the patient-assessment  
27 team of direct care-giving personnel in the State's  
28 hospitals, nursing homes and home health agencies,  
29 defining the education and skill required for each  
30 classification level and the appropriate method of  
31 certification, including adequacy of management  
32 training for these personnel;

33 3. The appropriate method of determining  
34 classification levels of staff required to provide the  
35 level of care needed in today's nursing homes,  
36 boarding home facilities and home care agencies;

37 4. The nursing staff-to-patient ratio required to

1 staff hospitals, nursing homes, boarding home  
2 facilities and home care agencies adequately to meet  
3 the growing demands placed on the State's long-term  
4 care system and the potential labor supply, by region,  
5 available in the State;

6 5. The ability of the State's educational system  
7 to meet basic needs and to supply ongoing training and  
8 education which will allow vertical movement within a  
9 facility setting;

10 6. The growth of visiting nurses agencies and  
11 what impact those agencies have on the current  
12 projected nursing shortage;

13 7. The wage benefits and incentives required to  
14 attract and retain people from the available state  
15 labor pool appropriate to each job classification and  
16 region of the State;

17 8. The appropriate reimbursement level which  
18 ensures that the State's hospitals, nursing homes,  
19 boarding home facilities and home care agencies are  
20 able to attract and retain sufficient levels of staff;  
21 and

22 9. Strategies to resolve nursing and other  
23 direct-care provider shortages in all areas of health  
24 care; and be it further

25 Advisory board. Resolved: That the Governor  
26 shall appoint an Advisory Board on Long-Term Care  
27 Staffing Issues to advise and assist the committee in  
28 its investigation. The board shall consist of 15  
29 members, each member representing one of the following  
30 departments: the Department of Labor; the Department  
31 of Human Services; the Department of Educational and  
32 Cultural Services; the Maine Committee on Aging; the  
33 Maine Health Care Association; the Home Care Alliance  
34 of Maine; the Maine Hospital Association; the Maine  
35 Association of Certified Nursing Assistants; the  
36 Long-Term Care Nursing Council; the Commission on  
37 Nursing Supply and Accessibility; the Federation of  
38 Nursing and Health Professionals; the Maine State  
39 Employees' Association; the State Board of Nursing;

1 the Maine State Nursing Association; and the American  
2 Federation of State and Municipal Employees. Members  
3 of the advisory board shall not receive compensation;  
4 and be it further

5 **Appointments. Resolved:** That each person  
6 required to make an appointment or appointments under  
7 this resolve shall make the appointment or  
8 appointments within 30 days of the effective date of  
9 this resolve and shall notify the Chairman of the  
10 Legislative Council of the appointment; and be it  
11 further

12 **Convening of committee; board. Resolved:** That  
13 when the appointment of all committee members and  
14 advisory board members is completed, the Chairman of  
15 the Legislative Council shall convene the first  
16 meeting of the committee within 15 days. Within 30  
17 days of the first meeting of the committee, the  
18 committee's chairman shall convene the first meeting  
19 of the advisory board and shall select a chairman from  
20 among the advisory board members; and be it further

21 **Report. Resolved:** That the committee shall  
22 present its finding, together with any recommended  
23 legislation, to the First Regular Session of the 114th  
24 Legislature by January 15, 1989; and be it further

25 **Assistance. Resolved:** That, if staff assistance  
26 is desired, assistance shall be requested from the  
27 Legislative Council. The committee, in consultation  
28 with the Legislative Council, may retain professional  
29 consultants with expertise in this area to assist in  
30 the study; and be it further

31 **Compensation. Resolved:** That the members of  
32 the committee who are Legislators shall receive the  
33 legislative per diem, as defined in the Maine Revised  
34 Statutes, Title 3, section 2, for each day of  
35 attendance at committee meetings and shall receive  
36 reimbursement for expenses upon application to the  
37 Executive Director of the Legislative Council; and be  
38 it further

39 **Appropriation. Resolved:** That the following

1 funds are appropriated from the General Fund to carry  
2 out the purposes of this Act.

3 1988-89

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5 Joint Select Committee  
6 on Long-Term Care  
7 Staffing Issues

8 Personal Services \$2,750  
9 All Other 4,700

10  
11 Total \$7,450

12 Provides funds for  
13 pertinent expenses of  
14 the joint select  
15 committee for 10  
16 meetings, one public  
17 hearing and the report.

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

21 **STATEMENT OF FACT**

22 This resolve establishes the Joint Select  
23 Committee on Nursing Staff Issues and an advisory  
24 board. Health care nursing needs, including  
25 availability, training and classification of nursing  
26 positions, will be addressed. A primary focus of the  
27 study will include a review of wages and benefits  
28 which will attract and retain sufficient levels of  
29 staff in the health care industry.

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