

MAINE STATE LEGISLATURE

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DATE: March 29, 1996 (Filing No. S- 544)

HUMAN RESOURCES

Reported by: Senator PENDEXTER OF Cumberland for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 731, L.D. 1835, Bill, "An Act to Provide for Assisted Living Services"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. A-1. 21-A MRSA §751, sub-§7, as amended by PL 1991, c. 466, §24, is further amended to read:

7. Residence in certain facilities. ~~Resident-of~~ Residence in a licensed nursing home, as defined in Title 22, chapter 405, licensed boarding home, as defined in Title 22, chapter 1665, or certified congregate housing unit, as defined in Title 22, chapter 1457-A, 1665. Residents of those facilities may cast absentee ballots only when the clerk is present;

Sec. A-2. 21-A MRSA §753, sub-§3-A, as amended by PL 1991, c. 862, §6, is further amended to read:

3-A. Alternate method of balloting by residents of licensed nursing homes, licensed boarding homes or certified congregate housing units. The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk must be present in any licensed nursing home, as defined in Title 22, chapter 405; licensed boarding home, as defined in Title 22, chapter 1665; or certified congregate housing unit, as defined in Title 22, chapter 1457-A 1665, for

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2 the purpose of absentee balloting by the residents of these homes
3 or units. The clerk shall designate which areas in these
4 facilities constitute the voting place, the voting booth and the
5 guardrail enclosure. Sections 681 and 682 apply to voting in
6 these facilities within the areas designated by the clerk.

8 **Sec. A-3. 22 MRSA c. 1457-A**, as amended, is repealed.

10 **Sec. A-4. 22 MRSA c. 1665** is amended by repealing the chapter
11 headnote and enacting the following in its place:

12 **CHAPTER 1665**

14 **ASSISTED LIVING PROGRAMS**

16 **Sec. A-5. 22 MRSA §7901-A**, as amended by PL 1993, c. 661,
17 §7, is repealed.

18 **Sec. A-6. 22 MRSA §§7901-B and 7901-C** are enacted to read:

20 **§7901-B. Assisted living programs and services authorized**

22 Assisted living programs and services are authorized under
23 this chapter subject to the following standards and in the
24 following settings.

26 **1. Standards.** Assisted living programs further the
27 independence of the resident and respect the privacy and personal
28 choices of the resident, including the choice to continue to
29 reside at home as the resident ages, except when that choice
30 would pose a direct threat to the health or safety of other
31 individuals or would result in substantial physical damage to the
32 property of others. Assisted living services provided to
33 residents must be consumer oriented and meet professional
34 standards of quality.

36 **2. Settings.** Assisted living services programs may be
37 provided in the following settings:

38 **A. Congregate housing operating under this chapter. A**
39 congregate housing program providing assisted living
40 services may operate under the following licensing
41 requirements for models of assisted living.

42 **(1) A license is not required for providers operating**
43 congregate housing.

44 **(2) A license is optional for providers operating**
45 congregate housing with personal care assistance.

50

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COMMITTEE AMENDMENT "A" to S.P. 731, L.D. 1835

2 (3) A license is required for providers operating
congregate housing with personal care assistance and
administration of medication.

4
6 (4) A license is required for providers operating
congregate housing with nursing services including
personal care assistance and administration of
8 medication; and

10 B. Residential care facilities licensed under chapter 1663.

12 §7901-C. Definitions

14 As used in this subtitle, unless the context otherwise
16 indicates, the following terms have the following meanings.

18 1. Activities of daily living. "Activities of daily
living" means tasks routinely performed by a person to maintain
20 bodily functions, including bed mobility, transfers, dressing,
eating, toileting, bathing and personal hygiene.

22 2. Assisted living services. "Assisted living services"
24 means the provision by a single entity of housing and assistance
with activities of daily living and instrumental activities of
26 daily living. "Assisted living services" may include personal
supervision, protection from environmental hazards, diet care,
28 supervision and assistance in the administration of medications,
diversional or motivational activities, assistance in activities
30 of daily living or physical exercise and nursing services.
Assisted living services must be provided by the provider of
32 housing either directly by that provider or indirectly through
contracts with persons, entities or agencies.

34 3. Congregate housing. "Congregate housing" means
36 residential housing that consists of private dwelling units with
an individual bathroom and an individual food preparation area,
38 in addition to central dining facilities, and within which a
congregate housing supportive services program serves occupants.

40 4. Congregate housing services program. "Congregate
42 housing services program" means a comprehensive program of
supportive services, including meals, housekeeping and chore
44 assistance, case management and other services that are delivered
on the site of congregate housing and assist occupants to manage
46 the activities of daily living and the instrumental activities of
daily living. Congregate housing services may also include
48 personal care assistance, with or without supervision, assistance
in the administration of medication and nursing services subject
50 to the licensing requirements of chapter 1663.

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2 5. Instrumental activities of daily living. "Instrumental
activities of daily living" include but are not limited to meal
4 preparation, taking medication, using the telephone, handling
finances, banking and shopping, light housekeeping, heavy
housekeeping and getting to appointments.

6
8 6. Long-term care facility. "Long-term care facility" means
any program of assisted living licensed pursuant to chapters 1663
and 1665 and any nursing facility or unit licensed pursuant to
10 chapter 405.

12 7. Mobile nonambulatory. "Mobile nonambulatory," as
applied to a resident of a residential care facility, means being
14 able to transfer independently and able to evacuate a facility in
less than 2 1/2 minutes with the assistance of another person
16 throughout the evacuation procedure.

18 8. Nursing services. "Nursing services" means services
provided by professional nurses licensed pursuant to Title 32,
20 section 2102, subsection 2, including personal care assistance
and administration of medication. For the purposes of this
22 subtitle, "nursing services" includes coordination and oversight
of resident care services provided by unlicensed health care
24 assistive personnel in group residential settings consisting of
private apartments.

26
28 9. Personal care assistance. "Personal care assistance"
means services provided in group residential settings consisting
of private apartments including assistance with the activities of
30 daily living and the instrumental activities of daily living and
supervision of residents self-administering medication.
32 "Personal care assistance," does not include the administration
of medication.

34
36 10. Personal care assistance with administration of
medication. "Personal care assistance with administration of
medication" means personal care assistance that includes the
38 administration of medication to the resident by provider staff.

40 11. Private apartment. "Private apartment" means a private
dwelling unit with an individual bathroom and an individual food
42 preparation area.

44 12. Resident of residential care facility. "Resident of
residential care facility" means any person 18 years of age or
46 older who is not related by blood or marriage to the owner or
person in charge of the facility in which the resident lives and
48 receives assisted living services.

13. Residential care. "Residential care" means care that is greater than that necessarily attendant upon mere eating and lodging services but is less than that attendant upon nursing home care or hospital care. "Residential care" may include personal supervision, protection from environmental hazards, diet care, care concerning grooming, hand and foot care, skin care, mouth and teeth care, shampooing, bathing, assistance in ambulation, supervision and assistance in the administration of medications, diversional or motivational activities, stimulation of or assistance in activities of daily living or physical exercise and limited nursing services.

14. Residential care facility. "Residential care facility" means a house or other place that, for consideration, is maintained wholly or partly for the purpose of providing residents with assisted living services as defined in subsection 2. A "residential care facility" includes, but is not limited to, facilities formerly defined and regulated as adult foster care homes and boarding homes under former section 7901-A and adult family care homes regulated under this chapter. "Residential care facility" does not include a licensed nursing home, a supported living arrangement certified by the Department of Mental Health and Mental Retardation or congregate housing.

15. Shared staffing. "Shared staffing" means the use of licensed and unlicensed personnel who are employed, directly or under a contract, by a long-term care facility in more than one level of care provided by a single entity on the same premises.

Sec. A-7. 22 MRSA §7902, as amended by PL 1993, c. 661, §8, is repealed.

Sec. A-8. 22 MRSA §7902-A is enacted to read:

§7902-A. Rules

The commissioner shall adopt rules for assisted living services programs pursuant to Title 5, chapter 375, subchapter II-A. Rules adopted pursuant to this section are major substantive rules.

1. Consultation. The rules must be developed in consultation with the long-term care ombudsman program, consumer representatives and providers of the type of assisted living services program to which the rules will apply.

2. Subject matter. The rules must include but are not limited to administration, quality of care and treatment, if applicable, level and qualifications of staff, rights of residents, contracts, administration of medication, available

public and private sources of payment, health and safety of residents and staff, community relations and licensing procedures.

3. Administration of medication rules. In adopting the rules for administration of medication, the commissioner shall consider, among other factors, the general health of the persons likely to receive medication, and the numbers of persons served and employed by the facility. The department may require unlicensed personnel to have successfully completed a program of training and instruction, approved by the department for the administration of medication, that is not limited to in-service training.

4. Residential care rules. The commissioner shall adopt rules for the various levels of residential care facilities. In addition to the subject matter of the rules listed in subsection 2, the rules must include criteria for placement of residents who are 17 years of age or older and under 18 years of age.

5. Congregate housing rules. The commissioner shall adopt rules for the various types of congregate housing services programs. In addition to the subject matter of rules listed in subsection 2, the rules must recognize and promote the efficiencies inherent in providing services in a congregate setting with respect to staffing and other responsibilities, while ensuring quality of care and safety. The rules must set requirements and standards for services rendered in congregate settings that recognize the differences between those settings and private homes served pursuant to chapter 419. The rules must permit staff in congregate housing services programs to be shared in accordance with section 1812-C, subsection 6-A and section 7914.

Sec. A-9. 22 MRSA §7903, as amended by PL 1993, c. 661, §9, is repealed and the following enacted in its place:

§7903. Fees for licensure

The department shall charge annual fees for licensure of residential care facilities and congregate housing services programs as follows:

1. Fees for residential care. Ten dollars per licensed bed for residential care facilities; and

2. Fees for congregate housing services programs. Fees to be licensed as congregate housing services programs are as follows:

A. To provide personal care assistance, \$50;

2 B. To provide personal care assistance with administration
3 of medication, \$100; and

4 C. To provide nursing services, \$200.

6 **Sec. A-10. 22 MRSA §7904-A**, as amended by PL 1993, c. 661,
8 §10, is amended by repealing the section headnote and enacting
the following in its place:

10 **§7904-A. Fire safety inspection for residential care facilities**

12 **Sec. A-11. 22 MRSA §7904-B** is enacted to read:

14 **§7904-B. Fire safety inspection for congregate housing**
16 **services facilities**

18 In accordance with this section, the department shall adopt
20 rules pursuant to Title 5, chapter 375 for the inspection of
22 licensed congregate housing facilities by the Office of the State
24 Fire Marshal and the fees for that inspection. Rules regarding
fees adopted pursuant to this section are major substantive rules
as defined by Title 5, chapter 375, subchapter II-A.

26 1. **Permits; inspection.** Construction and renovation of
28 congregate housing facilities requires a construction permit from
30 the Office of the State Fire Marshal. Prior to licensure all
32 congregate housing facilities must be inspected by the Office of
the State Fire Marshal at the request of the department. All
licensed congregate housing facilities must be inspected upon
performing renovations and must be reinspected every 2 years.

34 2. **Certificate of compliance.** The Office of the State Fire
36 Marshal shall issue a certificate of compliance to the department.

38 3. **Requirements.** All licensed congregate housing
40 facilities must be inspected using Chapter 18, New Apartment
42 Buildings, of the National Fire Protection Association Life
Safety Code 101, 1994 edition and must be protected throughout by
an approved, supervised, automatic sprinkler system.

44 **Sec. A-12. 22 MRSA §§7914 and 7915** are enacted to read:

46 **§7914. Shared staffing**

48 The department shall permit staff in residential care
50 facilities to be shared with other levels of assisted living on
the same premises as long as there is a clear, documented audit
trail and the staffing in the residential care facilities remains

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2 adequate to meet the needs of residents. Staffing to be shared
3 may be based on the average number of hours used per week or
4 month within the assisted living program.

6 **§7915. Administration of congregate housing services programs**
7 **funded by the State; eligible clients**

8 The Department of Human Services, Bureau of Elder and Adult
9 Services, with advice from the Maine State Housing Authority, the
10 Rural Housing Services or any other housing agency financing the
11 congregate housing facility, shall administer state-funded
12 congregate housing services programs. Administration must
13 include, but is not limited to:

14 **1. Rules; operation of congregate housing services**
15 **programs. Adopting rules governing the operation of congregate**
16 **housing services programs. Rules adopted pursuant to this**
17 **section are major substantive rules as defined by Title 5,**
18 **chapter 375, subchapter II-A;**

19 **2. Compliance with standards and guidelines. Reviewing the**
20 **compliance of congregate housing services programs with standards**
21 **and guidelines established for the program; and**

22 **3. Awarding of grants. Awarding of grants, when available**
23 **and necessary, to subsidize the cost of congregate housing**
24 **services programs for eligible clients.**

25 For the purposes of this subsection, "eligible clients" means
26 adults who have been determined through an approved assessment by
27 the department to be functionally or cognitively impaired and in
28 need of financial assistance to access congregate housing
29 services.

30 **PART B**

31 **Sec. B-1. 22 MRSA §1812-C, sub-§6-A is enacted to read:**

32 **6-A. Shared staffing. The department shall permit staff in**
33 **nursing facilities to be shared with other levels of assisted**
34 **living on the same premises as long as there is a clear,**
35 **documented audit trail and the staffing in the nursing facilities**
36 **remains adequate to meet the needs of residents. Staffing to be**
37 **shared may be based on the average number of hours used per week**
38 **or month within the assisted living program.**

39 **Sec. B-2. 22 MRSA §1812-G, sub-§3, as enacted by PL 1991, c.**
40 **421, §1, is amended to read:**

41

3. **Eligibility requirements for listing.** The State Board
of Nursing shall adopt rules pursuant to the Maine Administrative
Procedure Act defining eligibility requirements for listing on
the Maine Registry of Certified Nursing Assistants, including
rules regarding temporary listing of nursing assistants who have
received training in another jurisdiction. ~~The board shall
submit a report of the adopted rules to the joint standing
committee of the Legislature having jurisdiction over business
legislation matters by January 15, 1992.~~ The rules must permit
nursing assistants to work under the supervision of a registered
professional nurse in a facility providing assisted living
services as defined in chapter 1665 and must recognize work in
those facilities for the purpose of qualifying for and continuing
listing on the registry. Rules adopted regarding the work of
nursing assistants in facilities providing assisted living
services are routine technical rules as defined by Title 5,
chapter 375, subchapter II-A.

Sec. B-3. 22 MRSA §5107-A, first ¶, as amended by PL 1993, c.
284, §1, is further amended to read:

In accordance with the program established pursuant to
section 5106, subsection 11-C, the ombudsman may enter onto the
premises of any boarding residential care facility, as defined in
section 7901-C, licensed according to section 7801, any assisted
living facility licensed pursuant to chapter 1663 or 1665 and any
nursing home facility licensed according to section 1817 to
investigate complaints concerning those facilities or to perform
any other functions authorized by this section or other
applicable law or rules. The ombudsman shall investigate
complaints received on behalf of individuals receiving long-term
care services provided by home-based care programs, the Medicaid
waiver program, licensed home health agencies, assisted living
services providers, certified homemaker agencies and licensed
adult day care agencies. To carry out this function, any staff
member or volunteer authorized by the ombudsman may enter onto
the premises of any ~~adult--foster~~ residential care facility,
~~boarding-care~~ assisted living facility or nursing home facility
during the course of an investigation, speak privately with any
individual in the facility ~~or--home~~ who consents to the
conversation and inspect and copy all records pertaining to a
resident as long as the resident or the legal representative of
the resident consents in writing to that inspection. The
consent, when required and not obtainable in writing, may be
conveyed orally or otherwise to the staff of the facility ~~or
home.~~ When a resident is not competent to grant consent and has
no legal representative, the ombudsman may inspect the resident's
records and may make copies without the written consent of a duly
appointed legal representative. The ombudsman may authorize as
many individuals as necessary, in addition to staff, to carry out

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COMMITTEE AMENDMENT "A" to S.P. 731, L.D. 1835

2 this function except that these individuals may not make copies
of confidential client information. Appropriate identification
4 must be issued to all such persons. In accordance with the
federal 1987 Older Americans Act, 42 United States Code, as
6 amended, a person may not serve as an ombudsman without training
as to the rights and responsibilities of an ombudsman or without
8 a specific plan of action under direction of the ombudsman. The
ombudsman shall renew the authorization and issue identification
10 annually. The findings of the ombudsman must be available to the
public upon request.

12 **Sec. B-4. 22 MRSA §5107-A, last ¶**, as enacted by PL 1991, c.
622, Pt. QQ, §2, is amended to read:

14
16 Any person, official or institution that in good faith
participates in the registering of a complaint pursuant to this
section or in good faith investigates that complaint or provides
18 access to those persons carrying out the investigation about an
act or practice in any boarding residential care facility
20 licensed according to section 5154-~~er~~ 7801, any assisted living
facility or program or any nursing home facility licensed
22 according to section 1817 or that participates in a judicial
proceeding resulting from that complaint is immune from any civil
24 or criminal liability that otherwise might result from these
actions. For the purpose of any civil or criminal proceedings,
26 there is a rebuttable presumption that any person acting pursuant
to this section did so in good faith.

28 **Sec. B-5. 22 MRSA §7801, sub-§1, ¶A-1** is enacted to read:

30
32 A-1. In accordance with subparagraphs (1) and (2), a
congregate housing services program either directly or by
contract providing to its residents any of the following
34 services: personal care assistance, the administration of
medication or nursing services.

36
38 (1) A congregate housing services program may directly
provide to its residents meals, housekeeping and chore
assistance, case management and personal care
40 assistance delivered on the site of congregate housing
without obtaining a separate license to do so.

42
44 (2) A congregate housing services program licensee may
hold at any one time only one license under section
7901-B, subsection 2. A qualified congregate housing
46 services program may obtain a license for a different
category under section 7901-B, subsection 2, upon
48 application and surrender of the previous license;

2. **Sec. B-6. 22 MRSA §7802, sub-§1, ¶E**, as enacted by PL 1993, c. 661, §5, is amended to read:

4 E. A 2-year full license may be issued by the department
6 when an individual or agency is licensed as a residential
8 care facility for one or 2 adults or a congregate housing
10 services program as long as it has---~~relatively
12 deficiency-free-surveys-with~~ is in substantial compliance
14 with licensing rules and has no history of health or safety
16 violations.

12 **Sec. B-7. 22 MRSA §7922, sub-§1**, as amended by PL 1993, c. 661, §20, is further amended to read:

14 1. **Long-term care facility.** "Long-term care facility"
16 means any ~~residential-care-facility-with-more-than-5-residents~~
18 program of assisted living licensed pursuant to chapters 1663 and
20 1665, and any ~~skilled nursing or-intermediate-care-facility~~ or
unit licensed pursuant to chapter 405.

PART C

22 **Sec. C-1. 22 MRSA §2053, sub-§2-C**, as enacted by PL 1995, c. 362, §1, is repealed.

26 **Sec. C-2. 22 MRSA §2053, sub-§3-A**, as amended by PL 1995, c. 452, §1, is further amended to read:

28 3-A. **Health care facility.** "Health care facility" means a
30 nursing home that is, or will be upon completion, licensed under
chapter 405; a residential care facility that is, or will be upon
32 completion, licensed under chapter 1663; a continuing care
retirement community that is, or will be upon completion,
34 licensed under Title 24-A, chapter 73; an assisted living
36 facility that is, or will be upon completion, licensed under
chapter 1665; a hospital; a community mental health facility; or
a community health center.

38 **Sec. C-3. 22 MRSA §2053, sub-§5**, as amended by PL 1995, c. 362, §2, is further amended to read:

42 5. **Participating health care facility.** "Participating
44 health care facility" means a health care or ~~congregate-housing~~
licensed assisted living facility that, pursuant to this chapter,
46 undertakes the financing and construction or acquisition of a
project or undertakes the refunding or refinancing of existing
48 indebtedness as provided in and permitted by this chapter.

50 **Sec. C-4. 32 MRSA §2102, sub-§2, ¶F**, as amended by PL 1993, c. 600, Pt. A, § 110, is further amended to read:

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2 F. Administration of medications and treatment as
4 prescribed by a legally authorized individual. Nothing in
6 this section may be construed as limiting the administration
of medication by licensed or unlicensed personnel as
provided in other laws; and

8 **Sec. C-5. 32 MRSA §2102, sub-§2, ¶G**, as enacted by PL 1985, c.
724, §2, is amended to read:

10 G. Teaching activities of daily living to care providers
12 designated by the patient and family; and

14 **Sec. C-6. 32 MRSA §2102, sub-§2, ¶H** is enacted to read:

16 H. Coordination and oversight of patient care services
18 provided by unlicensed health care assistive personnel.
20 Nothing in this paragraph prohibits a nurse in the exercise
22 of professional judgment from refusing to provide such
24 coordination and oversight in any care setting. The board
shall adopt, pursuant to Title 5, chapter 375, subchapter
II-A, major substantive rules for the application of this
paragraph to nursing practice.

26 **PART D**

28 **Sec. D-1. Report of the Commissioner of Human Services.** The
30 Commissioner of Human Services shall review the laws and rules on
32 residential care facilities, assisted living programs and
34 long-term care in consultation with providers of residential
36 care, assisted living services and long-term care and consumer
38 representatives. The review must include consideration of the
40 requirements and restrictions of asset and income treatment and
42 transfer and spousal support. In the review, the commissioner
44 shall consider the report due to the joint standing committee
having jurisdiction over human resource matters by October 1,
1996 from the commissioner, the Commissioner of Mental Health and
Mental Retardation and the State Board of Nursing. By January 1,
1997 the commissioner shall report to the joint standing
committee of the Legislature having jurisdiction over human
resource matters with the recommendations of the Department of
Human Services and any legislation necessary to implement those
recommendations.

46 **Sec. D-2. Report of the Commissioner of Human Services, the**
48 **Commissioner of Mental Health and Mental Retardation and the State**
Board of Nursing. By October 1, 1996 the Commissioner of Human
50 Services, the Commissioner of Mental Health and Mental
Retardation and the State Board of Nursing shall report to the

joint standing committee of the Legislature having jurisdiction over human resource matters on recommendations for standardization of educational courses and utilization of unlicensed assistive personnel who administer medications in long-term care facilities as defined in the Maine Revised Statutes, Title 22, section 7901-C.

Sec. D-3. Residential care case mix reimbursement. By January 1, 1997, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over human resources matters on the case mix reimbursement system and the plans of the department to institute case mix reimbursement in residential care facilities. The Department of Human Services may not institute case mix reimbursement for residential care facilities prior to July 1, 1997.

Sec. D-4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1996-97

HUMAN SERVICES, DEPARTMENT OF

Bureau of Elder and Adult Services

All Other \$3,250

Allocates funds to support the costs associated with licensing assisted living services programs.

Sec. D-5. Effective dates. Sections 1, 2 and 3 of this Part take effect July 15, 1996. Those sections of this Act that repeal the Maine Revised Statutes, Title 22, section 5155 and enact section 7904-B take effect October 1, 1996. The remainder of this Act takes effect January 1, 1997.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1996-97

APPROPRIATIONS/ALLOCATIONS

Other Funds \$3,250

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2

REVENUES

4

Other Funds \$3,250

6

8 The Department of Human Services will experience an increase
10 in Other Special Revenue estimated to be \$3,250 in fiscal year
12 1996-97 from the establishment of licensure fees for various
assisted living services programs. An Other Special Revenue
allocation of \$3,250 in fiscal year 1996-97 is included to
support the additional licensing costs.

14

16 The Department of Human Services may also experience minor
increases and decreases in the individual reimbursement rates for
certain services due to the shared staffing authorization. The
net impact on the General Fund and the Federal Expenditure Fund
is expected to be insignificant.

20

22 The State Board of Nursing, which is affiliated with the
Department of Professional and Financial Regulation, will incur
some minor additional costs to work with the Commissioner of
Human Services and the Commissioner of Mental Health and Mental
Retardation to issue a report pertaining to unlicensed assistive
personnel who administer medications in long-term care
facilities. These costs can be absorbed within the board's
existing budgeted resources.

28

30 Performing additional fire safety inspections for congregate
housing services facilities may result in a minor increase in
dedicated revenue to the Office of the State Fire Marshal in an
amount that can not be determined at this time. Costs associated
with these additional inspections will be absorbed by the
Department of Public Safety and no additional allocations are
required at this time.

36

38 The additional costs associated with the reporting
requirements can be absorbed by the Department of Human Services
and the Department of Mental Health and Mental Retardation
utilizing existing budgeted resources.'

42

STATEMENT OF FACT

44

46 This amendment replaces the entire bill. It retains most of
the provisions of the bill, with the following changes.

48

1. It deletes section A-3, which was substantially similar to section B-4.

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COMMITTEE AMENDMENT "A" to S.P. 731, L.D. 1835

- 2 2. It adds definitions for mobile nonambulatory residents
of residential care facilities and residential care.
- 4
- 6 3. It reorganizes provisions on rulemaking, licensure, fees
and fire safety for congregate housing services programs and
residential care facilities.
- 8
- 10 4. It clarifies that fire safety inspections apply to
licensed congregate housing facilities.
- 12
- 14 5. It prohibits the Department of Human Services from
instituting case mix reimbursement in residential care facilities
until July 1, 1997, and requires a report on the issue to the
Joint Standing Committee on Human Resources by January 1, 1997.
- 16
- 6. It adds an appropriation and a fiscal note.

COMMITTEE AMENDMENT