



118th MAINE LEGISLATURE

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Legislative Document

No. 146

H.P. 122

House of Representatives, January 14, 1997

Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative BRUNO of Raymond.

Sec. 1. Commission established. Resolved: That the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings, referred to in this resolve as the "commission," is established; and be it further

- 6 Sec. 2. Commission membership. Resolved: That the commission consists of the following 9 members:
- One pharmacist representing long-term care pharmacy
 providers;
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2. One pharmacist representing a hospital-based pharmacy;

- 14 3. One pharmacist representing a retail pharmacy;
- 16 4. One pharmacist, or a designee, with expertise in Medicaid coverage from within the Department of Human Services;
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5. Two members of the Joint Standing Committee on Health and Human Services;

- 22 6. Two members of the Joint Standing Committee on Appropriations and Financial Affairs; and
- 7. One member representing the public with expertise in long-term care.

28 The members of the commission are appointed jointly by the Governor, the President of the Senate and the Speaker of the 30 House; and be it further

Sec. Appointments; meetings. 32 3. **Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall 34 notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members 36 is complete, the chair of the Legislative Council shall call and convene the first meeting of the commission within 14 days after 38 all appointments are made. The commission shall select a chair 40 from among its legislative members; and be it further

42 Sec. 4. Duties. Resolved: That the commission shall examine the use of pharmaceuticals in long-term care settings.
44 Specifically, the commission shall examine the following:

The reimbursement formulas given to long-term care pharmacy providers including fees for service and capitation
 rates for services;

The payment of a consulting fee to providers of
 long-term care pharmacy services and whether there is an inherent conflict of interest between providing consulting and dispensing
 services;

3. The determination of new rules pertaining to dispensing pharmaceuticals in long-term care facilities, such as minimum
8 supply, and fees charged for the same medication dispensed in the same month;

Conflict of interest created by concurrent ownership of
 long-term care facilities and of pharmacies or other related
 health care providers that provide services to residents; and

5. Whether there is a practice of overprescribing in 16 long-term care facilities; and be it further

18 Sec. 5. Staff assistance. Resolved: That the commission shall request staff and clerical assistance from the Legislative 20 Council; and be it further

Sec. 6. Report. Resolved: That, no later than January 1, 1998, the commission shall submit a report, together with any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services with a copy to the Executive Director of the Legislative Council. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

30 Sec. 7. Compensation. Resolved: That members are not entitled to compensation.

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SUMMARY

This resolve creates the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings.