

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1133

H.P. 828

House of Representatives, February 20, 1997

**Resolve, to Ensure Quality Care to Residents of Nursing Facilities  
through the Establishment of a Task Force on Minimum Staffing.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.  
Cosponsored by Senator PINGREE of Knox and  
Representatives: DAVIDSON of Brunswick, LOVETT of Scarborough, MITCHELL of  
Portland, PERKINS of Penobscot, ROWE of Portland, THOMPSON of Naples.

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

4           **Whereas,** nursing facility residents, family members,  
6           consumer advocates and nursing facility employees believe that  
many nursing facilities are currently understaffed and do not  
8           meet the needs of residents; and

10          **Whereas,** nursing facilities are serving a frailer population  
than in previous years and are receiving a higher level of  
12          reimbursement for the care provided under Medicaid; and

14          **Whereas,** state regulations governing minimum staffing in  
nursing facilities have not changed in response to the higher  
16          levels of care needed by residents; and

18          **Whereas,** current minimum staffing levels may create a danger  
to the health and safety of residents; and

20          **Whereas,** minimum staffing levels should be considered, based  
22          on information received from residents, family members, consumer  
advocates and nursing facility employees; and

24          **Whereas,** in the judgment of the Legislature, these facts  
26          create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
28          necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

30          **Sec. 1. Task force. Resolved:** That the Department of Human  
32          Services, referred to in this resolve as the "department," shall  
convene a task force to study the current departmental rules  
34          concerning minimum staffing levels required of nursing facilities  
with the purpose of recommending to the department how those  
36          rules might be amended to better meet the needs of residents of  
nursing facilities; and be it further

38          **Sec. 2. Membership. Resolved:** That the Commissioner of Human  
40          Services shall name the following members to the task force:

42                 1. The Director of the Division of Licensing and  
Certification within the Department of Human Services;

44                 2. One case-mix review nurse from the Department of Human  
46          Services, Division of Quality Assurance;

48                 3. Two residents of nursing facilities or family members of  
residents;

50

2 4. Two certified nurse assistants with experience in a  
nursing facility;

4 5. One director of nursing from a nursing facility;

6 6. One representative from the long-term care ombudsman  
program;

8 7. One representative from the Alzheimer's Association -  
10 Maine Chapter; and

12 8. One representative from the Maine Health Care  
14 Association; and be it further

**Sec. 3. Meetings; chair. Resolved:** That the task force shall  
16 meet within 60 days following the effective date of this  
18 resolve. The task force shall select a chair from among its  
members; and be it further

20 **Sec. 4. Duties. Resolved:** That the task force shall:

22 1. Review the departmental rules concerning the current  
24 minimum staffing levels required of nursing facilities;

26 2. Consider the appropriateness of increasing the minimum  
staffing level at nursing facilities;

28 3. Consider the levels at which nursing facilities should  
30 be staffed;

32 4. Identify and discuss other issues that are relevant to  
the study; and

34 5. Make recommendations to change departmental rules  
36 concerning minimum staffing levels of nursing facilities, based  
on the findings of the task force; and be it further

38 **Sec. 5. Staffing. Resolved:** That the department shall provide  
40 staffing assistance to the task force; and be it further

42 **Sec. 6. Compensation. Resolved:** That the members of the task  
44 force serve without compensation or reimbursement of any type;  
and be it further

46 **Sec. 7. Report. Resolved:** That the task force shall submit a  
48 report concerning the findings and recommendations to the  
Commissioner of Human Services and to the Joint Standing  
Committee on Health and Human Services within 90 days after the  
50 effective date of this resolve; and be it further

