

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2007

H.P. 1504

House of Representatives, December 26, 2001

**Resolve, to Address the Crisis of a Shortage in Direct-care Staff in the Long-term Care System.**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KANE of Saco.

Cosponsored by Senator MARTIN of Aroostook and

Representatives: DUDLEY of Portland, FULLER of Manchester, LAVERRIERE-BOUCHER of Biddeford, LOVETT of Scarborough, MAYO of Bath, NUTTING of Oakland.

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  
6           **Whereas,** in one recent month alone, up to 299 state  
long-term care consumers did not receive needed home care  
services and hundreds more did not receive all the home care  
8 services they were scheduled to receive, due to shortages of  
unlicensed direct-care staff in the long-term care system, thus  
10 endangering these consumers' health and welfare; and

12           **Whereas,** a recent study of 1/4 to 1/3 of the private duty  
staffing providers in the State reported that each week more than  
14 5,000 hours of needed health care service went unmet and nearly  
200 new patients were turned down or placed on waiting lists  
16 because of staffing shortages and vacancies, most of which were  
for unlicensed direct-care staff positions; and

18           **Whereas,** in other segments of the long-term care system,  
20 including nursing facilities and residential care facilities, the  
shortage of unlicensed direct-care staff is equally acute and  
22 equally dangerous to long-term care consumers; and

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

30           **Sec. 1. Rulemaking; propose legislation. Resolved:** That, by  
November 1, 2002, the Department of Human Services, the State  
32 Board of Nursing and the State Board of Education shall adopt or  
amend their rules regarding the training and certification of  
34 unlicensed direct-care staff in the long-term care system and  
shall propose to the First Regular Session of the 121st  
36 Legislature by December 15, 2002, such legislation as may be  
required to:

38           1. Eliminate inconsistencies in training curricula,  
40 experience requirements and certification requirements for  
unlicensed direct-care staff whose job duties are similar in  
42 scope and level of responsibility;

44           2. Allow unlicensed direct-care staff who have job duties  
that are similar in scope and level of responsibility to transfer  
46 their credentials more easily among different long-term care  
settings; and

48           3. Create a career ladder that encourages unlicensed  
50 direct-care staff to build upon their previous training and

2 experience to progress to higher levels of responsibility and  
certification without duplicating or forfeiting investments  
4 already made in their education and careers.

6 For purposes of this resolve, "unlicensed direct-care staff"  
means personal care attendants, certified nursing assistants,  
8 certified residential medication aides, residential care  
specialists I, home health aides and unlicensed mental health  
workers; and be it further

10 **Sec. 2. Public awareness campaign. Resolved:** That the  
12 Department of Human Services, the State Board of Nursing and the  
State Board of Education shall conduct a public awareness  
14 campaign to educate the public about career opportunities in  
long-term care, to promote training opportunities for unlicensed  
16 direct-care staff positions and to improve the status of  
unlicensed direct-care staff; and be it further

18 **Sec. 3. Proposed legislation to expand training opportunities for  
20 unlicensed direct-care staff. Resolved:** That the Department of Human  
Services, the State Board of Nursing and the State Board of  
22 Education shall work together and by December 15, 2002 shall  
submit proposed legislation to the First Regular Session of the  
24 121st Legislature to expand training opportunities for unlicensed  
direct-care staff. In drafting the proposed legislation,  
26 consideration must be given to eliminating financial,  
geographical and other barriers that prevent individuals from  
28 obtaining the training needed to enter or advance in the  
profession and to increasing the share of training costs included  
30 in reimbursement rates under the Medicaid program for providers  
of long-term care services; and be it further

32 **Sec. 4. Guidelines. Resolved:** That in performing the  
34 responsibilities provided for in sections 1 to 3, the Department  
of Human Services, the State Board of Nursing and the State Board  
36 of Education must be guided by the purposes of elevating the  
status of unlicensed direct-care staff, promoting the most  
38 efficient use of existing unlicensed direct-care staff in the  
long-term care system and expanding training opportunities for  
40 unlicensed direct-care staff.

42 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.  
44

## 46 SUMMARY

48 This resolve directs the Department of Human Services, the  
State Board of Nursing and the State Board of Education to  
50 undertake initiatives regarding the training and certification of  
unlicensed direct-care staff in the long-term care system. The

2 resolve also requires those entities to initiate a public awareness campaign and propose legislation to expand training opportunities.