

MAINE STATE LEGISLATURE

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DATE: 5-19-03

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 65, L.D. 57, Bill, "An Act to Extend the Long-term Care Implementation Committee"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Long-term Care Oversight Committee'

Further amend the bill in the emergency preamble by striking out all of the 2nd and 3rd paragraphs (page 1, lines 5 to 11 in L.D.) and inserting in their place the following:

'Whereas, the law authorizing the Long-term Care Implementation Committee, Public Law 1999, chapter 731, Part BBBB, section 15 was repealed on January 1, 2003; and

Whereas, the establishment of a new committee to oversee long-term care is required on a timely basis to continue the work of the Long-term Care Implementation Committee; and'

Further amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 5 MRSA §12004-I, sub-§47-D, as enacted by PL 1997, c. 665, §1, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§47-F is enacted to read:

47-F. Long-term Not 22 MRSA
Human Services Care Over- Authorized §5107-J
sight Com-
mittee

COMMITTEE AMENDMENT

2 Sec. 3. 22 MRSA §5107-B, as amended by PL 1997, c. 665, §2
and c. 734, §1, is repealed.

4 Sec. 4. 22 MRSA §5107-J is enacted to read:

6 §5107-J. Long-term Care Oversight Committee

8 The Long-term Care Oversight Committee, as established in
10 Title 5, section 12004-I, subsection 47-F and referred to in this
12 section as "the committee," shall oversee the policies and
14 programs of the department with regard to long-term care for
16 adults with disabilities and the elderly, referred to in this
18 section as "consumers."

1. Duties. The committee shall review the adoption and
16 amendment of rules by the department and monitor the
18 implementation of initiatives in long-term care, striving to meet
20 the needs of consumers of long-term care services.

2. Membership. The committee consists of 17 members.

A. The President of the Senate shall appoint 7 members as
22 follows:

24 (1) One Senator, who is a member of the joint standing
26 committee of the Legislature having jurisdiction over
28 health and human services matters and who shall serve
30 as Senate chair;

32 (2) Two providers of services to consumers, one of
34 whom represents providers of home health services;

36 (3) Three consumers, one of whom is a consumer of
38 consumer-directed home-based care services; and

40 (4) One person who has a family member who is a
42 consumer.

B. The Speaker of the House shall appoint 7 members as
44 follows:

46 (1) Two members of the House of Representatives, one
48 of whom is a member of the joint standing committee of
50 the Legislature having jurisdiction over health and
human services matters. The first-named House member
shall serve as House chair;

(2) Two providers of services to consumers, one of
whom represents providers of home health services;

2 (3) Two consumers, one of whom is a consumer of
3 consumer-directed home-based care services; and

4 (4) One person who represents the long-term care
5 ombudsman program established pursuant to section 5106,
6 subsection 11-C.

8 C. The Governor shall appoint 3 members as follows:

10 (1) One person who represents the area agencies on
11 aging;

12 (2) One person who represents persons and families
13 afflicted with Alzheimer's disease or dementia; and

14 (3) One person who represents a statewide organization
15 representing persons with disabilities.

16 3. Terms. The terms of appointment are for 4 years, except
17 that 1/2 of the first-appointed members shall serve for 2 years.
18 Members may serve 2 terms and may continue to serve at the
19 expiration of a term until their successors are appointed.

20 4. Meetings; staffing. The committee shall meet at least 8
21 times per year and may meet as often as necessary for the
22 performance of its duties. The department shall provide staffing
23 services as determined by the committee to be necessary.

24 5. Voluntary service. Committee members serve on a
25 voluntary basis and are not entitled to reimbursement for
26 expenses or for performance of their duties.

27 6. Report. The committee shall report each year by January
28 15th to the joint standing committee of the Legislature having
29 jurisdiction over health and human services matters and may
30 submit legislation to the Legislature at this time. The report
31 must include recommendations of the committee, including
32 legislation, and an evaluation of the status of the long-term
33 care system in the State.

34 Sec. 5. 26 MRSA §1412-G, sub-§5, ¶A, as enacted by PL 2001, c.
35 559, Pt. BB, §4, is amended to read:

36 A. The commissioner shall:

37 (1) Ensure the input of consumers of those services.
38 The commissioner may seek input through one or more
39 public hearings or by other means determined reasonable
40 by the commissioner; and

COMMITTEE AMENDMENT "A" to H.P. 65, L.D. 57

2 (2) Seek advice and input from the Long-term Care
Steering Oversight Committee established in Title 22,
4 section 5107-B 5107-J to determine whether the rates of
reimbursement are sufficient for consumers to recruit,
6 hire and retain personal care assistants.'

8 **SUMMARY**

10 This amendment establishes a new Long-term Care Oversight
Committee to replace the Long-term Care Steering Committee, which
12 is discontinued by the amendment, and the Long-term Care
Implementation Committee, which was discontinued on January 1,
14 2003.

16 **FISCAL NOTE REQUIRED**
18 (See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 57

An Act to Establish the Long-term Care Oversight Committee

LR 0068(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Current Costs - Legislative Study

Legislative Study

The projected costs to fund the general operating expenses of this study are \$2,520 in fiscal year 2003-04, \$2,190 in fiscal year 2004-05, \$2,520 in fiscal year 2005-06 and \$2,190 in fiscal year 2006-07. The Legislature has budgeted \$30,000 in fiscal year 2003-04 and \$20,000 in fiscal year 2004-05 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

The Department of Human Services will meet its staffing requirements for the new Committee by continuing to contract with the USM Muskie Institute for services similar to those currently provided to staff the Long-term Care Implementation Committee (sunset on 1/1/03). Any additional costs to the Department can be absorbed utilizing existing resources budgeted for the contract with the Muskie Institute.