

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1075

H.P. 793

House of Representatives, March 4, 2003

Resolve, To Ensure Appropriate Care for Persons with Dementia

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KANE of Saco.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: CANAVAN of Waterville, CURLEY of Scarborough, FLETCHER of
Winslow, GAGNE-FRIEL of Buckfield, HEIDRICH of Oxford, O'BRIEN of Lewiston,
SNOWE-MELLO of Poland, Senator: BENNETT of Oxford.

2 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Care for Persons with Dementia, referred to in this
4 resolve as "the commission," is established; and be it further

6 **Sec. 2. Commission membership. Resolved:** That the commission
consists of the following 14 members:

8 1. One member of the Senate, appointed by the President of
the Senate. When making the appointment, the President of the
10 Senate shall give preference to members who serve on the Joint
Standing Committee on Health and Human Services;

12 2. Five members appointed by the President of the Senate:

14 A. One member representing persons with dementia;

16 B. One member representing the Maine Alzheimer's
18 Association;

20 C. One member representing the Maine Hospital Association;

22 D. One member who is a geriatric physician with expertise
in caring for persons with dementia; and

24 E. One member representing Legal Services for the Elderly;

26 3. One member of the House of Representatives, appointed by
the Speaker of the House. When making the appointment, the
28 Speaker of the House shall give preference to members who serve
on the Joint Standing Committee on Health and Human Services;

30 4. Five members appointed by the Speaker of the House of
Representatives:

32 A. One member representing persons with dementia;

34 B. One member representing the long-term care ombudsman
36 program;

38 C. One member representing the Maine Health Care
40 Association;

42 D. One member representing area agencies on aging; and

44 E. One geriatric physician with expertise in caring for
46 persons with dementia;

48 5. The Commissioner of Human Services or the commissioner's
designee; and

2 6. The Commissioner of Behavioral and Developmental
3 Services or the commissioner's designee; and be it further

4
5 **Sec. 3. Chairs; meetings. Resolved:** That the Senate member is
6 the Senate chair of the commission and the House of
7 Representatives member is the House chair of the commission. The
8 commission may meet as often as necessary to complete its work;
9 and be it further

10
11 **Sec. 4. Appointments; convening of commission. Resolved:** That
12 all appointments must be made no later than 60 days following the
13 effective date of this resolve. The appointing authorities shall
14 notify the Executive Director of the Legislative Council once all
15 appointments have been completed. Within 15 days after
16 appointment of all members, the chairs shall call and convene the
17 first meeting of the commission; and be it further

18 **Sec. 5. Duties. Resolved:** That the commission shall examine
19 and shall make recommendations regarding the following issues
20 concerning care for persons with dementia:

21
22 1. The scope and severity of problems resulting from the
23 lack of long-term care programs and facilities adequate to meet
24 the needs of persons with aggressive behaviors caused by dementia
25 and other diseases;

26
27 2. The factors leading to the lack of care in Maine for
28 persons with aggressive behaviors caused by dementia and other
29 diseases and alternative types of care being utilized in other
30 states; and

31
32 3. Recommendations for improvements in programs and
33 facilities for persons with aggressive behaviors caused by
34 dementia and other diseases that will improve their health and
35 safety and alleviate the burden on persons who live with and
36 provide care for those persons; and be it further

37
38 **Sec. 6. Staff assistance. Resolved:** That the commission shall
39 provide its own staff; and be it further

40
41 **Sec. 7. Compensation. Resolved:** That the members of the
42 commission not otherwise compensated by their employers are
43 entitled to receive legislative per diem, as defined in Maine
44 Revised Statutes, Title 3, section 2 and reimbursement for travel
45 and other necessary expenses related to their attendance at
46 authorized meetings of the commission provided nonstate funding
47 is made available to the commission; and be it further

Sec. 8. Funding. Resolved: That the commission may seek and accept outside funding to accomplish its work; and be it further

Sec. 9. Report. Resolved: That, no later than January 1, 2004, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services and the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may report out a bill to the Second Regular Session of the 121st Legislature; and be it further

Sec. 10. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 11. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

SUMMARY

This resolve establishes the Commission to Study Care for Persons with Dementia. The commission is charged with reviewing the lack of programs and services for persons prone to aggressive behavior as a result of dementia or other diseases and with making recommendations by January 1, 2004.