

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1015

S.P. 379

In Senate, March 17, 2009

**Resolve, Establishing the Commission To Study the Replacement of
Aging and Outdated Long-term Care Facilities**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARRACHÉ of Kennebec.

Cosponsored by Representatives: LEWIN of Eliot, PERRY of Calais, STUCKEY of Portland.

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

3 **Whereas,** the number of residents of the State who are over 85 years of age is
4 projected to increase by 35% between 2006 and 2015; and

5 **Whereas,** most of the State's nursing homes and residential care facilities are more
6 than 30 years old with minimal renovations; and

7 **Whereas,** only 2 replacement nursing homes have been built in the State in the last
8 10 years; and

9 **Whereas,** the design and program elements of many existing facilities are obsolete
10 and insufficient to properly provide for the needs of residents and present safety risks;
11 and

12 **Whereas,** the Commission To Study the Replacement of Aging and Outdated Long-
13 term Care Facilities is established to address these significant and timely issues; and

14 **Whereas,** the study must be initiated before the 90-day period expires in order that
15 the study may be completed and a report concerning the study submitted in time to the
16 next legislative session; and

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

21 **Sec. 1. Commission established. Resolved:** That the Commission To Study
22 the Replacement of Aging and Outdated Long-term Care Facilities, referred to in this
23 resolve as "the commission," is established; and be it further

24 **Sec. 2. Commission membership. Resolved:** That the commission consists of
25 11 members appointed as follows:

26 1. Five members appointed by the President of the Senate as follows:

27 A. Two members of the Senate, one belonging to the political party holding the
28 largest number of seats in the Senate and one belonging to the political party holding
29 the 2nd largest number of seats in the Senate;

30 B. One member who represents long-term care providers with experience in the
31 residential care setting; and

32 C. Two members from the Department of Health and Human Services, one from the
33 office of elder services and one from the Division of Licensing and Regulatory
34 Services, both of whom are familiar with the needs of long-term care facilities and
35 the certificate of need program and licensing review of long-term care projects;

36 2. Five members appointed by the Speaker of the House as follows:

- 1 A. Three members of the House of Representatives, 2 belonging to the political party
2 holding the largest number of seats in the House and one belonging to the political
3 party holding the 2nd largest number of seats in the House;
4 B. One member who is an expert in the field of long-term care finance; and
5 C. One member who represents long-term care providers with experience in a nursing
6 home setting; and
7 3. One member appointed by the Governor from the Governor's staff; and be it
8 further

9 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
10 chair and the first-named House of Representatives member is the House chair of the
11 commission; and be it further

12 **Sec. 4. Appointments; convening of commission. Resolved:** That all
13 appointments must be made no later than 30 days following the effective date of this
14 resolve. The appointing authorities shall notify the Executive Director of the Legislative
15 Council once all appointments have been completed. Within 15 days after appointment
16 of all members, the chairs shall call and convene the first meeting of the commission,
17 which must be no later than June 1, 2009; and be it further

18 **Sec. 5. Duties. Resolved:** That the commission shall study the need for
19 replacement of aging and outdated long-term care facilities and the best means to
20 accomplish this goal with appropriate modern facilities. Specifically, the commission
21 shall:

22 1. Evaluate the adequacy of the existing stock of nursing homes and residential care
23 facilities;

24 2. Review safety risks and changes that have taken place in modern long-term care
25 facilities over the past 20 years and design and program elements to update and replace
26 those facilities in order to meet projected needs;

27 3. Review the ability of current facilities to care for residents with special needs;

28 4. Study and make recommendations on the financial barriers associated with
29 developing modern long-term care facilities; and

30 5. Study and make recommendations on the regulatory barriers associated with
31 developing modern long-term care facilities; and be it further

32 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, upon
33 approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide
34 necessary staffing services to the commission; and be it further

35 **Sec. 7. Report. Resolved:** That, no later than November 13, 2009, the
36 commission shall submit a report that includes its findings and recommendations,
37 including suggested legislation, for presentation to the Joint Standing Committee on
38 Health and Human Services. The Joint Standing Committee on Health and Human

1 Services is authorized to introduce a bill related to the subject matter of the report to the
2 Second Regular Session of the 124th Legislature upon receipt of the report.

3 **Emergency clause.** In view of the emergency cited in the preamble, this
4 legislation takes effect when approved.

5 **SUMMARY**

6 This resolve establishes the Commission To Study the Replacement of Aging and
7 Outdated Long-term Care Facilities.