

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. 1024

S.P. 388

In Senate, March 17, 2009

**Resolve, To Establish the Commission To Examine Restructuring
the Management of the Institutional Long-term Care Delivery
System**

(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 DAVIS of Cumberland.
Cosponsored by Representative PENDLETON of Scarborough and
Senator: GERZOFKY of Cumberland, Representatives: BURNS of Whiting, MILLETT of
Waterford, WHEELER of Kittery.

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 Commission To Examine Restructuring the Management of the
4 Institutional Long-term Care Delivery System established in this resolve is to report to
5 the Legislature by December 2, 2009; and

6 **Whereas,** the study must be initiated before the 90-day period expires in order that
7 the study may be completed and a report submitted in time for the next legislative
8 session; and

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

13 **Sec. 1. Commission established. Resolved:** That the Commission To Examine
14 Restructuring the Management of the Institutional Long-term Care Delivery System,
15 referred to in this resolve as "the commission," is established; and be it further

16 **Sec. 2. Commission membership. Resolved:** That the commission consists of
17 10 members appointed as follows:

18 1. Three members appointed by the President of the Senate as follows:

19 A. Two Senators; and

20 B. One member representing consumers of long-term care services; and

21 2. Six members appointed by the Speaker of the House as follows:

22 A. Five Representatives; and

23 B. One member representing providers of long-term care services; and

24 3. The Commissioner of Health and Human Services or the commissioner's designee;
25 and be it further

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

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

35 **Sec. 5. Duties. Resolved:** That the commission shall examine the management
36 of the institutional long-term care delivery system with the goal of analyzing and

1 suggesting a thorough restructuring of service delivery to improve the quality of service
2 and to make it more cost-effective. The analysis must include finding new ways to
3 measure quality of services and how to determine the services' value and to focus on best
4 practices for cost reduction and quality improvement by suggesting the following:

5 1. The best way to restructure the reimbursement system into a payment system and
6 reduce costs;

7 2. The best way to change the current inspection system of assessing on-site paper
8 records, which achieves uneven inspection results, to modern data collection and
9 reporting methods of patient outcomes and staffing costs;

10 3. The best way to change the approach to delivery of nursing services to encourage
11 increased use of hospice or palliative care models; and

12 4. The best way to study and improve long-term care at the inpatient hospital and
13 emergency room levels to address patient wishes and improve patient care while reducing
14 costs; and be it further

15 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
16 necessary staffing services to the commission; and be it further

17 **Sec. 7. Report. Resolved:** That, no later than December 2, 2009, the commission
18 shall submit a report that includes its findings and recommendations, including suggested
19 legislation, for presentation to the Joint Standing Committee on Health and Human
20 Services. The Joint Standing Committee on Health and Human Services is authorized to
21 introduce a bill related to the subject matter of the report to the Second Regular Session
22 of the 124th Legislature upon receipt of the report.

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

25 SUMMARY

26 This resolve establishes the Commission To Examine Restructuring the Management
27 of the Institutional Long-term Care Delivery System to improve quality of service while
28 reducing the costs of services. The commission is to focus on the best ways to change
29 basic systems within long-term care, such as restructuring the reimbursement and
30 inspection systems, as well as the approach to the delivery of nursing services. The
31 commission is to report its findings to the Joint Standing Committee on Health and
32 Human Services, which is authorized to introduce a bill on the commission's findings and
33 suggestions.