

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 986

S.P. 331

In Senate, March 12, 2013

**Resolve, To Establish the Commission To Study Long-term Care
Facilities**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative MAKER of Calais and
Senators: COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot,
JACKSON of Aroostook, Representatives: LONG of Sherman, MALABY of Hancock,
NADEAU of Fort Kent, TURNER of Burlington.

1 **Sec. 1. Commission To Study Long-term Care Facilities established.**
2 **Resolved:** That the Commission To Study Long-term Care Facilities, referred to in this
3 resolve as "the commission," is established; and be it further

4 **Sec. 2. Commission membership. Resolved:** That the commission consists of
5 13 members appointed as follows:

6 1. Three members of the Senate appointed by the President of the Senate, including
7 members from each of the 2 parties holding the largest number of seats in the Legislature;

8 2. Four members of the House of Representatives appointed by the Speaker of the
9 House, including members from each of the 2 parties holding the largest number of seats
10 in the Legislature; and

11 3. Six members appointed by the Governor who possess expertise in the subject
12 matter of the study, as follows:

13 A. The director of a long-term care ombudsman program described under the Maine
14 Revised Statutes, Title 22, section 5106, subsection 11-C;

15 B. The director of a statewide association representing long-term care facilities;

16 C. A person who serves as a city manager of a municipality in the State;

17 D. A person who serves as a director of a nursing facility in the State;

18 E. A person who represents consumers of long-term care services who reside in
19 long-term care facilities in the State; and

20 F. The director of a statewide association of area agencies on aging; and be it further

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

24 **Sec. 4. Appointments; convening of commission. Resolved:** That all
25 appointments must be made no later than 30 days following the effective date of this
26 resolve. The appointing authorities shall notify the Executive Director of the Legislative
27 Council once all appointments have been completed. After appointment of all members,
28 the chairs shall call and convene the first meeting of the commission. If 30 days or more
29 after the effective date of this resolve a majority of but not all appointments have been
30 made, the chairs may request authority and the Legislative Council may grant authority
31 for the commission to meet and conduct its business; and be it further

32 **Sec. 5. Duties. Resolved:** That the commission shall study funding for long-term
33 care facilities, staffing and regulatory requirements, collaborative agreements with critical
34 access hospitals for the purposes of sharing resources, differential reimbursement
35 mechanisms to reimburse facilities for which the MaineCare program is the payor for
36 greater than 85% of the residents, the viability of privately owned facilities in rural
37 communities and the impact on rural populations of nursing home closures. In
38 performing the study the commission shall review the final report of the Commission to

1 Examine Rate Setting and the Financing of Maine's Long-term Care Facilities established
2 by Resolve 1997, chapter 81; and be it further

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

5 **Sec. 7. Information and assistance. Resolved:** That the Commissioner of
6 Health and Human Services, the State Auditor and the State Budget Officer shall provide
7 information and assistance to the commission as required for its duties; and be it further

8 **Sec. 8. Report. Resolved:** That, no later than December 4, 2013, the commission
9 shall submit a report that includes its findings and recommendations, including suggested
10 legislation, for presentation to the Second Regular Session of the 126th Legislature.

11 **SUMMARY**

12 This resolve establishes the Commission To Study Long-term Care Facilities. The
13 commission has 13 members and is required to report by December 4, 2013.