

MAINE STATE LEGISLATURE

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Date: 5/19/15

L.D. 665
(Filing No. H-162)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 446, L.D. 665, Bill, "An Act To Establish a Block Grant Program for Homemaker Services"

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

'Resolve, Establishing the Commission To Study Services Available on the Long-term Care Continuum'

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, the Commission To Study Services Available on the Long-term Care Continuum is established to study the transitions between services and the accessibility, efficiency and sufficiency of services available to individuals in need of services for aging in place; and

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

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

Sec. 1. Commission established. Resolved: That the Commission To Study Services Available on the Long-term Care Continuum, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

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

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1 2. Three members of the House of Representatives appointed by the Speaker of the
2 House, including members from each of the 2 parties holding the largest number of seats
3 in the Legislature; and

4 3. Eight members appointed by the Governor who possess expertise in the subject
5 matter of the study as follows:

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

8 B. A representative of a statewide association representing long-term care facilities;

9 C. A representative of a statewide association representing consumer-directed long-
10 term care services;

11 D. A representative of a statewide association representing area agencies on aging;

12 E. A representative of a statewide association providing homemaker services;

13 F. A representative of a statewide association providing home-based care;

14 G. A representative of a statewide association providing legal services to the elderly;
15 and

16 H. A representative of the Governor; and be it further

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

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

28 **Sec. 5. Duties. Resolved:** That the commission shall study the issues regarding
29 the continuum of long-term care services in the community and in facilities. The
30 commission shall:

31 1. Review the programs and waivers currently available in the Department of Health
32 and Human Services that serve the elderly and persons with disabilities in home-based
33 and community-based settings and in nursing and residential facilities;

34 2. Review recommendations from other studies, recent legislation and departmental
35 initiatives;

36 3. Examine trends, such as the growth of the aging population, the needs of aging
37 and disabled populations, the changing workforce and caregiver availability, to determine
38 future needs in the long-term care continuum;

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1 4. Develop ways for individuals to move with dignity across the long-term care
2 continuum as their needs change and in a manner that is sustainable for families and for
3 MaineCare;

4 5. Examine the role of staff who provide home care services to develop solutions,
5 including possible consolidation of services, to improve service delivery;

6 6. Examine the waiting lists for individuals requiring lower levels of care, including
7 homemaker services and home-based care, to determine whether those waiting lists are
8 contributing to increased numbers in residential and institutional care facilities for those
9 individuals who would remain in their homes if homemaker services and home-based
10 care were available;

11 7. Examine the issues affecting the direct care workforce, including wages and
12 benefits, qualifications, retention, morale and demographics;

13 8. Develop strategies to support those individuals who provide free care to family
14 members and friends; and

15 9. Examine programs in other states to determine if there are models that could be
16 used in this State to use MaineCare funds more efficiently; and be it further

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

19 **Sec. 7. Report. Resolved:** That, no later than December 2, 2015, the commission
20 shall submit a report that includes its findings and recommendations, including suggested
21 legislation, to the Joint Standing Committee on Health and Human Services. The
22 committee may report out legislation on the subject matter of the report to the Second
23 Regular Session of the 127th Legislature.

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

26 **SUMMARY**

27 This resolve replaces the bill, which is a concept draft, and establishes the
28 Commission To Study Services Available on the Long-term Care Continuum. The
29 commission is required to examine issues on the long-term care continuum from
30 homemaker services and home-based care to residential and nursing facility care to
31 determine whether these services are being provided efficiently and whether the provision
32 of services allows for individuals to move through the long-term care continuum from
33 one program to another as needs change; review recent recommendations, legislation and
34 policy initiatives; determine future needs in the long-term care continuum; examine direct
35 care workforce issues; and develop strategies to support family members providing free

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1 care. The commission must submit its report, including suggested legislation, to the
2 Joint Standing Committee on Health and Human Services no later than December 2,
3 2015. The committee may report out legislation to the Second Regular Session of the
4 127th Legislature.

5 **FISCAL NOTE REQUIRED**

6
7 **(See attached)**
8



127th MAINE LEGISLATURE

LD 665

LR 1535(02)

An Act To Establish a Block Grant Program for Homemaker Services

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-162)
Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study
Minor cost increase - General Fund

Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,750 in fiscal year 2015-16. The Legislature's proposed budget includes \$10,000 in fiscal year 2015-16 for legislative studies. Whether that amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. If more than 4 meetings are held during the interim the estimated cost for each additional meeting is projected to be \$625 per meeting for legislative per diem and expenses. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.