

MAINE STATE LEGISLATURE

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 890, L.D. 1229, "Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals"

Amend the resolve 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, there exist multiple concerns surrounding the fact that many hospital patients are not discharged when they are clinically qualified for discharge from the hospital; and

Whereas, a study of how to address these concerns is necessary to develop recommendations to address guardianship, conservatorship and authorization of transaction challenges that result in extended hospitalization of patients clinically qualified for discharge from a hospital; 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. Committee established. Resolved: That the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals, referred to in this resolve as "the committee," is established.

Sec. 2. Committee membership. Resolved: That, notwithstanding Joint Rule 353, the committee consists of 14 members appointed or designated as follows:

COMMITTEE AMENDMENT

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1 Two members of the Senate, appointed by the President of the Senate, and 2
2 members of the House of Representatives, appointed by the Speaker of the House of
3 Representatives, including members from each of the 2 parties holding the largest number
4 of seats in the Legislature, one member to be a sitting member of the Joint Standing
5 Committee on Health and Human Services and one member to be a sitting member of the
6 Joint Standing Committee on Judiciary;

7 2. One member representing the Department of Health and Human Services' adult
8 protective services program administered pursuant to the Maine Revised Statutes, Title
9 22, section 5106, subsection 11-B, designated by the Commissioner of Health and Human
10 Services;

11 3. Two members representing hospitals in the State, one representing a health
12 system, appointed by the President of the Senate, and one representing an independent
13 hospital, appointed by the Speaker of the House;

14 4. One member representing an association of hospitals in the State, appointed by the
15 President of the Senate;

16 5. One member representing the long-term care ombudsman program maintained
17 pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C,
18 appointed by the President of the Senate;

19 6. One member representing an association of nursing homes in the State, appointed
20 by the Speaker of the House;

21 7. One member representing the Elderly Legal Services Program maintained
22 pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-A,
23 appointed by the President of the Senate;

24 8. One member representing the Office of the Attorney General, designated by the
25 Attorney General;

26 9. One member who is an attorney who represents persons who are incapacitated,
27 appointed by the Speaker of the House; and

28 10. The President of the Maine Probate Judges Assembly, or the president's
29 designee.

30 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
31 chair and the first-named House of Representatives member is the House chair of the
32 committee.

33 **Sec. 4. Appointments; convening of committee. Resolved:** That all
34 appointments and designations must be made no later than 30 days following the
35 effective date of this resolve. The appointing authorities shall notify the Executive
36 Director of the Legislative Council once all appointments have been completed. After
37 appointment of all members, the chairs shall call and convene the first meeting of the
38 committee. If 30 days or more after the effective date of this resolve a majority of but not
39 all appointments have been made, the chairs may request authority and the Legislative
40 Council may grant authority for the committee to meet and conduct its business.

41 **Sec. 5. Duties. Resolved:** That the committee shall study and develop
42 recommendations to address guardianship, conservatorship and authorization of

COMMITTEE AMENDMENT

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1 transaction challenges that result in extended hospitalization of patients clinically
2 qualified for discharge from a hospital.

3 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
4 necessary staffing services to the committee, except that the Legislative Council staff
5 support is not authorized when the Legislature is in regular or special session.

6 **Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the committee
7 shall submit a report that includes its findings and recommendations, including suggested
8 legislation, to the Joint Standing Committee on Health and Human Services and the Joint
9 Standing Committee on Judiciary. Each committee may report out legislation to the
10 Second Regular Session of the 129th Legislature based on the report.

11 **Sec. 8. Outside funding. Resolved:** That the committee may seek funding
12 contributions to help fund the costs of the study. All outside funding is subject to
13 approval by the Legislative Council in accordance with its policies.

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

16 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
17 section number to read consecutively.

18 **SUMMARY**

19 This amendment revises the membership of the committee, requires the report to be
20 submitted to both the Joint Standing Committee on Health and Human Services and the
21 Joint Standing Committee on Judiciary, authorizes both committees to report out
22 legislation based on the report to the Second Regular Session of the 129th Legislature and
23 adds an emergency preamble and clause. It also allows the committee to accept outside
24 contributions, approved by the Legislative Council, to help fund the committee.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**



129th MAINE LEGISLATURE

LD 1229

LR 1693(02)

Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-452)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,250 in fiscal year 2019-20. An estimated \$6,190 is available in each of fiscal years 2019-20 and 2020-21 in the Legislature's proposed budget for legislative studies as well as any balances from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. 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 departments and agencies to be a member of the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals are expected to be minor and can be absorbed within existing budgeted resources.