

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1229

H.P. 890

House of Representatives, March 14, 2019

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: COOPER of Yarmouth, HANDY of Lewiston, JAVNER of Chester,
KORNFIELD of Bangor, MADIGAN of Waterville, PERRY of Calais, SCHNECK of Bangor,
STOVER of Boothbay.

1 **Sec. 1. Committee established. Resolved:** That the Committee To Study and
2 Develop Recommendations To Address Guardianship Challenges That Delay Patient
3 Discharges from Hospitals, referred to in this resolve as "the committee," is established.

4 **Sec. 2. Committee membership. Resolved:** That, notwithstanding Joint Rule
5 353, the committee consists of 13 members appointed as follows:

6 1. One member of the Senate, appointed by the President of the Senate;

7 2. One member of the House of Representatives, appointed by the Speaker of the
8 House;

9 3. One Legislator who sits on the Joint Standing Committee on Health and Human
10 Services, appointed by the President of the Senate;

11 4. One Legislator who sits on the Joint Standing Committee on Judiciary, appointed
12 by the Speaker of the House;

13 5. One member representing the Department of Health and Human Services' adult
14 protective services program administered pursuant to the Maine Revised Statutes, Title
15 22, section 5106, subsection 11-B, appointed by the Commissioner of Health and Human
16 Services;

17 6. Two members representing hospitals in the State, one representing a health system
18 and one representing an independent hospital, appointed by the Governor;

19 7. One member representing an association of hospitals in the State, appointed by the
20 Governor;

21 8. One member who is a judge, appointed by the Governor;

22 9. One member representing the long-term care ombudsman program maintained
23 pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C,
24 appointed by the Governor;

25 10. One member representing an association of nursing homes in the State, appointed
26 by the Governor;

27 11. One member representing the Elderly Legal Services Program maintained
28 pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-A,
29 appointed by the Governor; and

30 12. One member representing the Office of the Attorney General, appointed by the
31 Governor.

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

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

9 **Sec. 5. Duties. Resolved:** That the committee shall study and develop
10 recommendations to address guardianship, conservatorship and authorization of
11 transaction challenges that result in extended hospitalization of patients clinically
12 qualified for discharge from a hospital.

13 **Sec. 6. Staff assistance. Resolved:** That the Department of Health and Human
14 Services shall provide necessary staffing services to the committee.

15 **Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the committee
16 shall submit a report that includes its findings and recommendations, including suggested
17 legislation, for presentation to the Second Regular Session of the 129th Legislature.

18 SUMMARY

19 This resolve establishes the Committee To Study and Develop Recommendations To
20 Address Guardianship Challenges That Delay Patient Discharges from Hospitals. The
21 committee is required to study and develop recommendations to address guardianship,
22 conservatorship and authorization of transaction challenges that result in extended
23 hospitalization of patients clinically qualified for discharge from a hospital.