

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1785

H.P. 1148

House of Representatives, April 25, 2023

**Resolve, to Establish the Blue Ribbon Commission to Make
Recommendations to Update Laws Governing the Continuum of
Long-term Care Options**

(EMERGENCY)

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

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

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator BAILEY of York and
Representatives: ARFORD of Brunswick, MASTRACCIO of Sanford, NUTTING of Oakland,
PRINGLE of Windham.

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 State's system of care to serve those who need residential supports or
4 long-term care is failing to meet the needs of the State's population, resulting in hospitalized
5 patients using inpatient beds when they need lower levels of care; and

6 **Whereas,** nursing facilities, assisted living facilities and other residential options that
7 are intended to meet the needs of individuals who can no longer live safely at home are
8 unable to provide adequate access as a result of the closure of facilities and reduced bed
9 capacity due to financial and labor market pressures; and

10 **Whereas,** Maine's laws governing residential supports have not been reviewed in over
11 a decade; and

12 **Whereas,** immediate review of the laws governing residential supports is necessary
13 in order to prevent more facility closures and bed capacity reduction; and

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

18 **Sec. 1. Blue Ribbon Commission established. Resolved:** That the Blue Ribbon
19 Commission to Make Recommendations to Update Laws Governing the Continuum of
20 Long-term Care Options, referred to in this resolve as "the Blue Ribbon Commission," is
21 established.

22 **Sec. 2. Blue Ribbon Commission membership. Resolved:** That,
23 notwithstanding Joint Rule 353, the Blue Ribbon Commission consists of 11 members as
24 follows:

25 1. The executive director of the long-term care ombudsman program as established in
26 the Maine Revised Statutes, Title 22, section 5106, subsection 11-C or the executive
27 director's designee;

28 2. Two members appointed by the President of the Senate who represent nursing
29 facilities;

30 3. One member appointed by the President of the Senate who represents assisted living
31 providers;

32 4. Two members appointed by the Speaker of the House of Representatives who
33 represent an organization that represents hospitals;

34 5. One member appointed by the Speaker of the House of Representatives who
35 represents families with experience with the continuum of long-term care in the State;

36 6. One member appointed by the Speaker of the House of Representatives who
37 represents an organization that advocates on aging issues;

38 7. One member appointed by the Speaker of the House of Representatives who is
39 associated with a veterans' organization;

40 8. One member appointed by the Governor who represents the executive branch; and

1 9. One member appointed by the Governor who is a physician and who represents
2 medical directors of long-term care facilities.

3 **Sec. 3. Chairs. Resolved:** That, notwithstanding Joint Rule 353, the first-named
4 member appointed by the President of the Senate and the first-named member appointed
5 by the Speaker of the House of Representatives serve as chairs of the Blue Ribbon
6 Commission.

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

16 **Sec. 5. Duties. Resolved:** That the Blue Ribbon Commission shall review the laws
17 governing residential options for individuals in need of residential supports, including but
18 not limited to long-term care, assisted living facilities and other licensed residential options,
19 and make recommendations to the Legislature on changes to the State's laws in order to
20 reflect the State's changing demographics and labor market conditions and to ensure that
21 the State has the capacity to meet the current and future needs for people needing residential
22 supports. The Blue Ribbon Commission shall review:

23 1. The demographics of the State and projected need for different levels of residential
24 supports, including but not limited to bed capacity at each level of support within a hospital
25 service area over the next 10 years;

26 2. The needs of the State's current population needing residential supports and the
27 barriers to accessing appropriate levels of care;

28 3. Labor market conditions for residential supports, including projections over the next
29 10 years;

30 4. Laws governing clinical assessments and admission requirements for different levels
31 of residential supports;

32 5. Laws governing MaineCare coverage and payment;

33 6. Laws governing the growth of long-term care facilities, including but not limited to
34 certificate of need requirements and so-called budget neutrality; and

35 7. Laws governing home care and hospice services to ensure that the State is
36 maximizing the use of those services.

37 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
38 Legislative Council shall provide necessary staffing services to the Blue Ribbon
39 Commission, except that Legislative Council staff support is not authorized when the
40 Legislature is in regular or special session.

