

MAINE STATE LEGISLATURE

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Date: 2/9/24

(Filing No. S-521)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 743, L.D. 1827, "An Act to Prevent Closures and Ensure Sustainability of Nursing Facilities, Private Nonmedical Institutions and Residential Care Facilities by Removing So-called Budget Neutrality"

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

'Resolve, to Establish the Blue Ribbon Commission to Make Recommendations on the Continuum of Long-term Care Options'

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

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

Whereas, the State's laws governing residential supports have not been reviewed in over a decade; and

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

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COMMITTEE AMENDMENT "A" to S.P. 743, L.D. 1827 (5521)

1 **Sec. 1. Commission established. Resolved:** That the Blue Ribbon Commission
2 to Make Recommendations on the Continuum of Long-term Care Options, referred to in
3 this resolve as "the commission," is established.

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

6 1. One member of the Senate appointed by the President of the Senate who serves on
7 the Joint Standing Committee on Health and Human Services;

8 2. One member of the House of Representatives appointed by the Speaker of the House
9 of Representatives who serves on the Joint Standing Committee on Health and Human
10 Services;

11 3. Two members appointed by the President of the Senate who represent nursing
12 facilities;

13 4. One member appointed by the President of the Senate who represents assisted living
14 providers;

15 5. One member appointed by the President of the Senate who represents families with
16 experience with the continuum of long-term care in the State;

17 6. Two members appointed by the Speaker of the House of Representatives who
18 represent an organization that represents hospitals;

19 7. One member appointed by the Speaker of the House of Representatives who
20 represents an organization that advocates for issues regarding aging;

21 8. One member appointed by the Speaker of the House of Representatives who is
22 associated with a veterans' organization;

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

26 10. One member appointed by the Governor who represents the executive branch; and

27 11. One member appointed by the Governor who is a physician and who represents
28 medical directors of long-term care facilities.

29 **Sec. 3. Chairs. Resolved:** That the Senate member appointed by the President of
30 the Senate and the House member appointed by the Speaker of the House of
31 Representatives serve as chairs of the commission.

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

40 **Sec. 5. Duties. Resolved:** That the commission shall review the laws governing
41 residential options for individuals in need of residential supports, including but not limited

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1 to long-term care, assisted living facilities and other licensed residential options, and make
2 recommendations to the Legislature on changes to the State's laws in order to reflect the
3 State's changing demographics and labor market conditions and to ensure that the State has
4 the capacity to meet the current and future needs of individuals needing residential
5 supports. The commission shall review:

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

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

11 3. Labor market conditions for residential supports, including projections over the next
12 10 years;

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

15 5. Laws governing MaineCare coverage and payment;

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

18 7. Laws governing home care and hospice services to ensure that the State is
19 maximizing the use of those services; and

20 8. The role of technology to support the continuum of long-term care options for
21 elderly individuals and recommendations for the reimbursement of providers for expenses
22 for technology and innovation.

23 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
24 Legislative Council shall provide necessary staffing services to the commission, except that
25 Legislative Council staff support is not authorized when the Legislature is in regular or
26 special session.

27 **Sec. 7. Report. Resolved:** That, no later than November 6, 2024, the commission
28 shall submit a report that includes its findings and recommendations, including suggested
29 legislation, to the Joint Standing Committee on Health and Human Services. After receipt
30 and review of the report, the joint standing committee of the Legislature having jurisdiction
31 over health and human services matters may submit legislation relating to the subject matter
32 of the report to the 132nd Legislature in 2025.

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

35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
36 number to read consecutively.

37 **SUMMARY**

38 This amendment replaces the bill with a resolve. The amendment establishes the Blue
39 Ribbon Commission to Make Recommendations on the Continuum of Long-term Care
40 Options to review the laws governing residential options for individuals in need of
41 residential supports, including but not limited to long-term care, assisted living facilities

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COMMITTEE AMENDMENT "A" to S.P. 743, L.D. 1827 (S-521)

1 and other licensed residential options, and to make recommendations to the Legislature on
2 changes to the State's laws in order to reflect the State's changing demographics and labor
3 market conditions and to ensure that the State has the capacity to meet the current and
4 future needs of individuals needing residential supports.

5 **FISCAL NOTE REQUIRED**
6 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1827

LR 945(02)

An Act to Prevent Closures and Ensure Sustainability of Nursing Facilities, Private Nonmedical Institutions and Residential Care Facilities by Removing So-called Budget Neutrality

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-521)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$700 in fiscal year 2023-24 and \$950 in fiscal year 2024-25. The Legislature's budget for the 2024-2025 biennium includes \$14,500 in each of fiscal years 2023-24 and 2024-25 for the costs of legislative studies, as well as \$38,909 of balances carried over 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.