

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

**CHAPTER 106**  
**S.P. 485 - L.D. 1548**

**Resolve, To Promote Quality  
and Transparency in the  
Provision of Services by  
Assisted Housing Programs  
That Provide Memory Care**

**Sec. 1. Time study of needs of residents in assisted housing programs. Resolved:** That, in order to determine the needs of residents in assisted housing programs as defined in the Maine Revised Statutes, Title 22, section 7852, subsection 2, the Department of Health and Human Services shall issue a request for proposals for a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs. The time study must focus on the time allocated to meeting the needs of residents with Alzheimer's disease or dementia. The study must document the amount of time assisted housing program staff engage in all tasks required to meet the needs of residents, including, but not limited to, hands-on care and redirection, cueing and reminders provided to residents experiencing symptoms of distress.

**Sec. 2. Rulemaking regarding Alzheimer's and dementia care and other memory care in assisted housing programs. Resolved:** That the Department of Health and Human Services shall amend its rule Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs to:

1. Require assisted housing programs to provide disclosure statements to prospective and current residents of Alzheimer's and dementia care units or other memory care units and to post the statements in a conspicuous place in each unit. The disclosure statements must include:

- A. A description of the care and services relevant to specialized Alzheimer's and dementia care or other memory care provided by the unit;
- B. Information on staffing in the unit to meet residents' needs;
- C. A description of therapeutic activities provided by the unit;
- D. Information on staff training specific to Alzheimer's and dementia care and other memory care; and
- E. Other information the department determines necessary to adequately inform consumers and family members about specialized services provided by the unit;

2. Change a requirement that facilities with Alzheimer's or dementia care units or other memory care

units provide classroom training to new employees on dealing with difficult behaviors to a requirement that facilities with Alzheimer's or dementia care units or other memory care units provide classroom training to new employees on understanding behavior as communication;

3. Require all facilities with Alzheimer's or dementia care units or other memory care units to offer individual or group activities in accordance with assessed individual person-centered needs of each resident; and

4. Require staffing agencies, including agencies that provide temporary staffing, to provide evidence to facilities with Alzheimer's or dementia care units or other memory care units that the staff provided to the units have received training required by department rule.

**Sec. 3. Department of Health and Human Services; Alzheimer's and dementia care and other memory care work group. Resolved:** That the Department of Health and Human Services' division of licensing and certification shall establish a work group including providers, advocates and family members of persons with Alzheimer's disease or dementia to review the adequacy of current training for direct care staff in Alzheimer's and dementia care units or other memory care units within assisted housing programs required by department rules. The work group shall:

1. Consider the development and implementation of a written or oral competency exam or evaluation to demonstrate skill competency and knowledge gained through the training curriculum for direct care staff. The work group shall also consider the inclusion of care recipient and family surveys as part of the evaluation of training competency;

2. Review current rules regarding training for direct care staff in Alzheimer's or dementia care units and other memory care units within assisted housing programs to ensure that training includes:

- A. A basic introduction to the foundations of Alzheimer's and dementia care and other memory care;
- B. Communicating and connecting with residents with Alzheimer's disease or dementia;
- C. Techniques and approaches to care of persons with Alzheimer's disease or dementia;
- D. Person-centered care;
- E. Understanding the needs of and working with families;
- F. The dietary needs of residents with Alzheimer's disease or dementia;

- G. The social needs and appropriate activities in the care of residents with Alzheimer's disease or dementia;
  - H. Recognizing and responding to caregiver stress;
  - I. Preventing, recognizing and responding to abuse and neglect of residents with Alzheimer's disease or dementia; and
  - J. Interactive training;
3. Review ongoing training requirements for direct care staff in Alzheimer's or dementia care units and other memory care units and consider whether:
- A. An additional 4 to 8 hours of annual training should be provided; and
  - B. Management and other staff should be included in training; and
4. Make recommendations to the department for amendments to the rules governing assisted housing programs that focus on person-centered care. The recommendations must include a definition of "person-centered care." The review must include a review of life stories of residents and their habits and preferences as approaches to better understand resident needs to plan and provide care.

**Sec. 4. Report. Resolved:** That, no later than February 1, 2020, the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study required by section 1 and the work group required by section 3, together with recommendations and any suggested legislation. The Joint Standing Committee on Health and Human Services is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

**Sec. 5. Transfers from available fiscal year 2019-20 Department of Professional and Financial Regulation Other Special Revenue Funds balances to General Fund. Resolved:** That, at the close of fiscal year 2019-20, the State Controller shall transfer \$355,501 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2020, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds will be transferred so that the sum equals \$355,501 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Long Term Care - Office of Aging and Disability  
Services 0420**

Initiative: Provides one-time funding for the Department of Health and Human Services to issue a request for proposals for a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia.

GENERAL FUND	2019-20	2020-21
All Other	\$355,501	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$355,501</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 107**

**H.P. 1315 - L.D. 1844**

**Resolve, Directing the Public  
Utilities Commission To  
Evaluate the Ownership of  
Maine's Power Delivery  
Systems**

**Sec. 1. Public Utilities Commission evaluation. Resolved:** That the Public Utilities Commission shall evaluate the proposal for creation of the Maine Power Delivery Authority as presented in L.D. 1646, An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems, referred to in this resolve as "the proposal." The evaluation must include but is not limited to:

1. Analysis of the costs and benefits, both short-term and long-term, of the proposal;
2. Examination of legal, regulatory, technical, financial and operational issues related to the proposal and its implementation;
3. Assessment of anticipated impacts, both positive and negative, of the proposal on the State, including but not limited to impacts on electricity rates, utility employees and ratepayers; and
4. Development of alternatives or amendments to the proposal to address any identified obstacles to its implementation.

The commission shall contract with an independent consultant or consultants with relevant expertise to assist the commission with the evaluation. For the purposes of this section, "relevant expertise" includes, but is not limited to, expertise in utility valuation and