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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 331, L.D. 986, “Resolve, To Establish the Commission To Study Long-term Care Facilities”

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Sec. 1. Commission To Study Long-term Care Facilities established. Resolved: That the Commission To Study Long-term Care Facilities, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

- 1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and
- 3. Six members appointed by the Governor who possess expertise in the subject matter of the study, as follows:
 - A. The director of a long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;
 - B. The director of a statewide association representing long-term care facilities and one representative of a 2nd association of owners of long-term care facilities;
 - C. A person who serves as a city manager of a municipality in the State;
 - D. A person who serves as a director or who is an owner or administrator of a nursing facility in the State; and
 - E. A representative of the Governor's office or the Governor's administration; and be it further

COMMITTEE AMENDMENT

1 **Sec. 3. Chairs; subcommittees. Resolved:** That the first-named Senate
2 member is the Senate chair and the first-named House of Representatives member is the
3 House chair of the commission. The chairs of the commission are authorized to establish
4 subcommittees to work on the duties listed in section 5 and to assist the commission. The
5 subcommittees must be composed of members of the commission and interested persons
6 who are not members of the commission and who volunteer to serve on the
7 subcommittees without reimbursement. Interested persons may include representatives of
8 nursing facilities with a high percentage of residents whose care is reimbursed through
9 the MaineCare program, individuals with specialized knowledge in implementing an
10 acuity-based staffing system, individuals with expertise in acuity-based reimbursement
11 systems, a representative of an agency that provides services to the elderly and any other
12 persons with experience in nursing facility care; and be it further

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

21 **Sec. 5. Duties. Resolved:** That the commission shall study the following issues
22 and the feasibility of making policy changes to the long-term care system:

23 1. Funding for long-term care facilities, including the development of an acuity-
24 based reimbursement system as proposed in Legislative Document 1245 of the 126th
25 Legislature, "Resolve, Directing the Department of Health and Human Services To
26 Create a More Equitable, Transparent Resource Allocation System for Nursing Facilities
27 Based on Residents' Needs," and the development of a pay-for-performance program to
28 encourage and reward strong performance by nursing facilities as proposed in Legislative
29 Document 928 of the 126th Legislature, "An Act To Improve MaineCare Nursing Home
30 Reimbursement To Preserve Access and Promote Quality";

31 2. Staffing and regulatory requirements, including the development of minimum
32 staffing requirements based on a 24-hour time period as proposed in Legislative
33 Document 1246 of the 126th Legislature, "An Act To Promote Greater Staffing
34 Flexibility without Compromising Safety or Quality in Nursing Facilities";

35 3. Collaborative agreements with critical access hospitals for the purpose of sharing
36 resources;

37 4. Reimbursement mechanisms to reimburse facilities for which the MaineCare
38 program is the payor for a high percentage of the residents as proposed in Legislative
39 Document 928 of the 126th Legislature, "An Act To Improve MaineCare Nursing Home
40 Reimbursement To Preserve Access and Promote Quality";

41 5. The viability of privately owned facilities in rural communities; and

42 6. The impact on rural populations of nursing home closures.

1 In performing the study the commission shall review the final report of the
2 Commission to Examine Rate Setting and the Financing of Maine's Long-term Care
3 Facilities established by Resolve 1997, chapter 81; and be it further

4 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
5 necessary staffing services to the commission; and be it further

6 **Sec. 7. Information and assistance. Resolved:** That the Commissioner of
7 Health and Human Services, the State Auditor and the State Budget Officer shall provide
8 information and assistance to the commission as required for its duties; and be it further

9 **Sec. 8. Report. Resolved:** That, no later than December 4, 2013, the commission
10 shall submit a report that includes its findings and recommendations, including suggested
11 legislation, for presentation to the Second Regular Session of the 126th Legislature.'

12 **SUMMARY**

13 The resolve establishes the Commission To Study Long-term Care Facilities. This
14 amendment changes the membership of the commission so that it consists of 7
15 Legislators, one representative of a nursing facility, 2 representatives of long-term care
16 facilities, one director of a long-term care ombudsman program, one person representing
17 a municipality and one person representing the Governor's office or the Governor's
18 administration. This amendment adds to the duties of the commission duties derived
19 from 3 bills that were before the Joint Standing Committee on Health and Human
20 Services, Legislative Document 928, Legislative Document 1245 and Legislative
21 Document 1246. The amendment authorizes the chairs of the commission to establish
22 subcommittees composed of interested persons, including representatives of nursing
23 facilities with a high percentage of residents whose care is reimbursed through the
24 MaineCare program, individuals with specialized knowledge in implementing an acuity-
25 based staffing system, individuals with expertise in acuity-based reimbursement systems,
26 a representative of an agency that provides services to the elderly and any other persons
27 with experience or interest in nursing facility care. The amendment directs the
28 commission to submit a report with findings and recommendations to the 126th
29 Legislature by December 4, 2013.