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January 30, 2026

Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME. 04330

Dear Senator Ingwerson, Representative Meyer and members of the Joint Standing Committee on Health and Human Services,

Pursuant to LD 979, (HP639) Resolve, Regarding Legislative Review of Chapter 113: Assisted Housing Programs Licensing Review, a Late-filed Major Substantive Rule of the Department of Health and Human Services, I am submitting the required preliminary report on the Residential Care Staffing Stakeholder meetings.

Please let me know if you have any questions. Thank you for your consideration.

Sincerely,

Brenda Gallant
Executive Director
The Maine Long-Term Care Ombudsman Program

H.P. 639 – L.D. 979

Resolve, Regarding Legislative Review of Chapter 113: Assisted Housing Programs Licensing Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services

Committee Amendment

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

Sec. 1. Adoption. Resolved:

That final adoption of Chapter 113: Assisted Housing Programs Licensing Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted for Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if:

1. In the rule in Part B: Residential Care Facilities, in Section 7.A, a new Section 7.A. 3 is added that requires a facility's administrator to ensure that the following data is submitted to the Division of Licensing and Certification no less frequently than on a quarterly basis, beginning no later than 60 days after written notice by the Department of Health and Human Services that a reporting system has been developed and is ready for facility data submission:

- A. The facility's daily number of staff for each shift who were present and working each day providing direct care to residents during each shift
- B. The facility's number of staff working as temporary staff and were hired through a temporary nurse agency or other temporary staffing agency, or internet-based system, and the name of the agency;
- C. The facility's staff turnover rate for each quarter; and
- D. The facility's resident census for each day

The Department of Health and Human Services shall submit an annual report, beginning January 2, 2027, to the joint standing committee of the Legislature having jurisdiction over health and human services matters, with the monthly average of data collected. Under.

Section 7. A. The report due January 2, 2027 must include a method to provide the data to the public on the department's publicly accessible website;

2. The requirement in the rule in Part B: Residential Care Facilities for minimum direct residential care staff to occupied bed ratios in Section 4.B.1 that would be required after one year and 2 years of final adoption of the rule is removed. and only the current ratios remain; and.

3. The requirement in the rule in Part B: Residential Care Facilities for staffing requirements for

memory care units in Section 17.I.2 and Section 17.I. 3 that would be required after one year and 2 years of final adoption of the rule is removed.

Sec.2. Stakeholder group to examine residential facility staffing. Resolved

That the long-term care ombudsman under the Maine Revised Statutes, Title 22, section 5107-A shall convene a stakeholder group to examine residential care facility staffing issues, referred to as **“the stakeholder group.”**

1. Membership

The stakeholder group must include, but is not limited to, the following:

- A. A representative from the Office of Aging and Disability Services within the Department of Health and Human Services;
- B. A representative from the Division of Licensing and Certification within the Department of Health and Human Services;
- C. A representative of a statewide organization representing residential care facilities;
- D. A representative of a residential care facility with a memory care unit;
- E. A representative of a residential care facility without a memory care unit;
- F. A representative of an assisted living provider;
- G. A representative from Legal Services for Maine Elders;
- H. A representative from a statewide association advocating on behalf of issues related to Alzheimer’s disease;
- I. A representative from a statewide association advocating on behalf of the elderly;
- J. A representative who has a family member in residential care;
- K. Two employees with direct care experience working in residential care facilities who are not in facility management; and
- L. Additional representatives from the long-term care ombudsman program within the Department of Health and Human Services.

2. Duties The stakeholder group shall examine issues of staffing in residential care facilities as governed by Department of Health and Human Services rule Chapter 113: Assisted Housing Programs Licensing Rule. The stakeholder group shall:

- A. Examine appropriate staffing levels, including at different times of day;
- B. Examine staffing ratios required to ensure residential care at different times of day
- C. Examine staffing levels and ratios sufficient to meet resident needs, including medical and other needs;

D. Ensure there is objective information about the impact of staffing ratios on access to care, including reimbursement and financial information; and

E. Examine the connections between facility reimbursement and staffing and the transparency of those connections.

Outside expertise; data. The stakeholder group may consult with national experts within existing resources and shall consider. The stakeholder group shall consider the following information:

A. Survey and certification results from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, and the Division of Licensing and Certification within the Department of Health and Human Services;

B. The minimum data set tool from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services used by long-term care providers;

C. Current reported staffing levels, including quarterly reporting on direct care staffing, submitted by providers to the Department of Health and Human Services;

D. Surveys of direct care staff;

E. Surveys submitted by residential care providers;

F. Complaints received by the long-term care ombudsman program within the Department of Health and Human Services and by the Department of Health and Human Services;

G. Steps taken by facilities to address workforce shortages;

H. Projected workforce needs and staffing availability; and

I. Current reimbursement rates for staffing.

4.Meetings and Reports. The stakeholder group shall begin meeting no later than September 30,2025. The stakeholder group shall submit a preliminary report no later than January 30, 2026 and a final report no later than January 2,2027 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee is authorized to report out legislation related to the final report to the 133rd Legislature in 2027.

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

SUMMARY

This amendment replaces the resolve and authorizes the Department of Health and Human Services to adopt its major substantive rule Chapter 113: Assisted Housing Programs Licensing Rule, as long as the staffing increases for residential care facilities and memory care units are removed and the current staffing levels are retained. It requires the rule to include provisions for

staffing data to be reported at least quarterly to the department from residential care facilities upon notification by the department that reporting system has been developed and is ready for data submission. The department shall provide an annual report to the joint standing committee of Legislature having jurisdiction over health and human services matters with monthly averages for the data. The amendment also requires the long-term care ombudsman program within the department to convene a stakeholder group to examine staffing issues at residential care facilities and report its findings in a preliminary and final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 979 – Residential Care Staffing Stakeholder Meetings

Members

- Brenda Gallant, Maine Long Term Care Ombudsman Program
- Nicole Marchesi, Maine Long Term Care Ombudsman Program
- Katy Smith, Senior Living / Avesta Housing
- Kelly Westbrook, Brock Healthcare / Bella Point
- John Rice, Schooner Estates
- Angela Westhoff, Maine Health Care Association
- Ismail Thadal, DHHS, Division of Licensing and Certification
- Bill Montejo, DHHS, Division of Licensing and Certification
- Heather Hyatt, DHHS, Division of Licensing and Certification
- Nicole Guenette, DHHS, Division of Licensing and Certification
- Jess Fay, Maine Council on Aging
- Denise Vachon, LeadingAge
- Michael Lacasse, Schooner Memory Care
- Karen Mason, DHHS, Office of Aging and Disability Services
- Bridget Quinn, AARP
- Jill Carney, Alzheimer's Association of Maine
- Courtney Freeman, Northbridge Senior Living Communities
- John Brautigam, Legal Services for Maine Elders

September 24, 2025, Meeting Minutes

Staffing Reporting Requirements- DHHS, Division of Licensing and Certification, Bill Montejo and Ismael Thadal:

- DLC put together data as directed within the legislation and alert was put out to providers
- First data collection period for facilities will run for the quarter from Oct 1, 2025-December 31, 2025. DLC will open the reporting portal on January 2, 2026 for facilities to enter the data.
- Department staff reviewed how to collect data, surveys, etc. shared with membership regarding how the reporting will be captured from providers
- A report of the data and will be reviewed by the group when available

Review of LD, 979, Duties of Workgroup, Brenda Gallant (MLTCOP):

- Reviewed: Sec. 2. Stakeholder group to examine residential facility staffing. Resolved: That the long-term care ombudsman under the Maine Revised Statutes, Title 22, section 5107-A shall convene a stakeholder group to examine residential care facility staffing issues, referred to in this resolve as "the stakeholder group."
- Reviewed: 2. Duties: The stakeholder group shall examine issues of staffing in residential care facilities as governed by Department of Health and Human Services rule Chapter 113: Assisted Housing Programs Licensing Rule.
- Reviewed: 3. Outside expertise; data. The stakeholder group may consult with national experts within existing resources.
- Reviewed meetings and reporting: The stakeholder group shall begin meeting no later than September 30, 2025. The stakeholder group shall submit a preliminary report no later than January 30, 2026 and a final report no later than January 2, 2027 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee is authorized to report out legislation related to the final report to the 133rd Legislature in 2027

Membership provided questions on reporting and questions were answered by DLC and MLTCOP regarding work group goals and objectives.

November 20, 2025, Meeting Minutes

Case Mix and Residential Care Facilities and Adult Family Care Homes, Sue Pinette RN, RAC-CT, Case Mix Manager/State RAI Coordinator DHHS, Office of MaineCare Services

The presentation from Sue Pinette, RN, Case Mix Manager at the Office of MaineCare Services explained how MaineCare uses MDS-RCA case mix data for residential care facilities and adult family care homes to support member-centered, data-driven oversight of both payment and quality. Sue defined case mix, described how the data was collected, summarized what it showed about acuity over time, and previewed key operational outputs such as current rosters, RCF and AFCH payment groups, ADL scoring, tracking case mix indices and categories over time, quality indicators, and late-submission reporting.

Status of Reporting, William Montejo, Director DHHS, Division of Licensing and Certification:

The Long-Term Care Staffing Workgroup was unable to access facility staffing data for analysis due to challenges in creating a system and process for facilities to report staffing data combined with the quarterly data collection period as requested by some stakeholders during the passing of LD 979. Thus, Assisted Housing facilities began collecting their staffing data for the period from October 1, 2025, through December 31, 2025. The department then opened a web-based electronic reporting system for facilities to submit the data and it is anticipated that at the January 2026 meeting of the Staffing Committee the department will have data for the Committee to begin reviewing.

