



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

---

Legislative Document

No. 2109

---

H.P. 1504

House of Representatives, February 18, 2020

### **An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues**

---

Reported by Representative HYMANSON of York for the Joint Standing Committee on Health and Human Services pursuant to Public Law 2019, chapter 343, Part BBBBB, section 1.

Reference to the Committee on Health and Human Services suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT  
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

3 **Sec. A-1. 22 MRSA c. 1476** is enacted to read:

4 **CHAPTER 1476**

5 **DIRECT CARE WORKER WAGES**

6 **§5319. Definitions**

7 As used in this chapter, unless the context otherwise indicates, the following terms  
8 have the following meanings.

9 **1. Activities of daily living.** "Activities of daily living" means tasks routinely  
10 performed by a person to maintain bodily functions, including bed mobility, transfers,  
11 locomotion, dressing, eating, toileting, bathing and personal hygiene.

12 **2. Direct access.** "Direct access" means, with respect to an individual who is  
13 receiving services from a direct care worker in an institutional setting or in a home or  
14 community setting, access to the individual's property, personally identifiable  
15 information, financial information or resources or physical access to the individual.

16 **3. Direct care worker.** "Direct care worker" means an individual who by virtue of  
17 employment generally provides to individuals direct contact assistance with activities of  
18 daily living or instrumental activities of daily living or has direct access to provide care  
19 and services to clients, patients or residents regardless of the setting.

20 **4. Home and community-based support services.** "Home and community-based  
21 support services" means health and social services and other assistance required to enable  
22 adults with long-term care needs to remain in their places of residence or group homes.  
23 These services include, but are not limited to, self-directed care services; home health  
24 aide services; personal care assistance services; companion and attendant services;  
25 homemaker services; respite care; and other appropriate and necessary social services.

26 **5. Home or community setting.** "Home or community setting" means a place of  
27 residence or group home where adults with long-term care needs receive home and  
28 community-based support services.

29 **6. Institutional setting.** "Institutional setting" means residential care facilities  
30 licensed pursuant to chapter 1664, intermediate care and skilled nursing facilities and  
31 units and hospitals licensed pursuant to chapter 405 and state institutions for individuals  
32 who have intellectual disabilities or autism or other related conditions.

33 **7. Instrumental activities of daily living.** "Instrumental activities of daily living"  
34 includes, but is not limited to, preparing or receiving of a main meal, taking medication,  
35 using the telephone, handling finances, banking, shopping, routine housework, laundry  
36 and getting to appointments.



1           **Sec. B-2. 22 MRSA §5307** is enacted to read:

2           **§5307. Long-term care workforce oversight advisory committee**

3           The long-term care workforce oversight advisory committee, as established in Title 5,  
4 section 12004-I, subsection 47-J and referred to in this section as "the oversight  
5 committee," is established to provide advice and oversight to the department and the joint  
6 standing committee of the Legislature having jurisdiction over health and human services  
7 matters regarding long-term care workforce issues.

8           **1. Membership.** The oversight committee consists of 10 members as follows:

9           A. Eight members, appointed by the commissioner, who are employers and providers  
10 of services in the long-term care industry and employ direct care workers who  
11 provide assistance with activities of daily living or instrumental activities of daily  
12 living to clients, patients or residents, in institutional and home or community  
13 settings;

14           B. One member, appointed by the commissioner, who is a recipient of self-directed  
15 care services as defined in section 5319, subsection 8; and

16           C. The long-term care ombudsman as described in section 5107-A.

17           For the purposes of this subsection, "direct care worker" has the same meaning as in  
18 section 5319, subsection 3.

19           **2. Terms; vacancy.** Members of the oversight committee are appointed to staggered  
20 2-year terms so that the terms of 4 members representing providers expire on July 1st of  
21 each year. If the commissioner fails to make an appointment prior to the expiration of a  
22 member's term, that member continues to serve until the commissioner makes an  
23 appointment for the remainder of that term. If a vacancy occurs prior to the expiration of  
24 a specified term, the commissioner shall appoint a person to serve the remainder of that  
25 term.

26           **3. Duties.** The oversight committee has the following duties:

27           A. Collect data from the department relating to the number of hours of services  
28 provided by direct care workers, the number of approved hours for which staffing  
29 cannot be provided due to staffing shortages, vacancies for direct care worker  
30 positions and the number of unfilled beds in residential care facilities licensed under  
31 chapter 1664 and nursing facilities licensed under chapter 405;

32           B. Compile data available from the Department of Labor relating to current and  
33 future needs for direct care workers;

34           C. Review progress by the department in implementing recommendations provided  
35 to the department and the joint standing committee of the Legislature having  
36 jurisdiction over health and human services matters relating to long-term care  
37 workforce issues and address barriers to implementing those recommendations; and

