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Date: (Filing No. S- )

**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 “ ” 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

**COMMITTEE AMENDMENT**

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

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

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)**