



Free Legal Help for Maine's Seniors

May 1, 2023

Testimony of John Brautigam Esq., Legal Services for the Elderly, in support of L.D. 1575 An Act to Promote Quality and Innovation in Nursing and Residential Care Facilities before the Joint Standing Committee on Health and Human Services.

Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services:

Legal Services for the Elderly is a non-profit legal services organization established in Maine following passage of the federal Older American's Act in 1974. Since then, our mission has been to provide free legal assistance to our disadvantaged older adults when their basic human needs are at stake. Our clients are all aged sixty or older and most have very low incomes. Some of them receive long-term care in their homes or other community settings and some live in nursing facilities. They are the most physically and financially compromised people in our communities and their legal needs are often complex.

The Nursing Home Reform Act of 1987 contains specific provisions that promote quality of care, quality of life and the resident rights of people living in nursing facilities. It also creates an affirmative obligation on nursing facilities to help residents attain and maintain their highest level of physical, mental, and psycho-social well-being. Medicare and Medicaid programs also have requirements for providers of long-term care services delivered in community settings. These conditions of participation include patient rights, home health aide training and competency, and quality of care provisions. All these long-standing requirements are reflected in Maine statutes or regulations governing long-term care programs and they have served consumers of these services well for a considerable period of time.

It is tempting to simply accept the status quo but especially given the "stress test" of our long-term care system occasioned by the Covid pandemic it is time to revisit these guiding principles and ensure that they reflect the best practices available today. Much has been learned since 1987 about the needs of those receiving long term services and supports and those providing that care. This bill provides a comprehensive and forward-thinking plan for a system that promotes the best of what has proven successful and encourages new ideas that ensure high quality of care for individuals who need long-term services and supports.

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We are mindful that this bill is a Legislative initiative requested by the Department of Health and Human Services. It demonstrates the Department's commitment to remain in the vanguard of those who continuously seek the latest evidence-based recommendations for improving the quality of care for this very vulnerable population. It also represents the Department's commitment to involve a broad scope of individuals from private and public entities with years of experience in the subject area to help with the planning process. We agree with the Department and look forward to being of service to this endeavor.

We support adding the language of this bill to Title 22 of the Maine Revised Statutes as the Department requests. Doing so will provide a guide and direction for present and future DHHS administrators. It will also confirm for members of the public that you believe in the importance of building quality and innovation into a long-term care system that aspires to always operate on best practices.

Thank you for listening to these comments and we hope that you will vote ought to pass.