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Legislative Document

No. 1644

H.P. 1119

House of Representatives, March 10, 2016

**Resolve, Establishing the Commission To Study Ways To Support
and Strengthen the Direct Care Workforce across the Long-term
Care Continuum**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Speaker EVES of North Berwick.
Cosponsored by Senator BURNS of Washington.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Commission To Study Ways To Support and Strengthen the Direct
4 Care Workforce across the Long-term Care Continuum is established to address a
5 growing crisis related to a lack of direct care workers to provide home-based,
6 community-based and facility-based long-term care; and

7 **Whereas,** the study must be initiated before the 90-day period expires in order that
8 the study may be completed and a report submitted in time for submission to the next
9 legislative session; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore, be it

14 **Sec. 1. Commission established. Resolved:** That the Commission To Study
15 Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care
16 Continuum, referred to in this resolve as "the commission," is established; and be it
17 further

18 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
19 353, the commission consists of 15 members as follows:

20 1. Two members of the Senate appointed by the President of the Senate, including
21 members from each of the 2 parties holding the largest number of seats in the Legislature;

22 2. Three members of the House of Representatives appointed by the Speaker of the
23 House, including members from each of the 2 parties holding the largest number of seats
24 in the Legislature; and

25 3. Ten members who possess expertise in the subject matter of the study as follows:

26 A. The Commissioner of Health and Human Services or the commissioner's
27 designee;

28 B. The Commissioner of Labor or the commissioner's designee;

29 C. A direct care worker appointed by the President of the Senate;

30 D. A provider of home-based long-term care who is a member of a statewide
31 association representing home-based long-term care providers appointed by the
32 President of the Senate;

33 E. A representative of a statewide association representing nonprofit housing and
34 senior service programming appointed by the President of the Senate;

35 F. A provider of facility-based long-term care who is a member of a statewide
36 association representing facility-based long-term care providers appointed by the
37 Speaker of the House;

1 G. A representative of an organization providing statewide homemaker services
2 through the state-funded independent support services program within the
3 Department of Health and Human Services appointed by the Speaker of the House;

4 H. A representative of an institution of higher education engaged in workforce
5 development appointed by the Speaker of the House;

6 I. A representative of a service coordination agency providing service coordination
7 to people receiving home-based and community-based long-term care appointed by
8 the Speaker of the House; and

9 J. The executive director of the long-term care ombudsman program described under
10 the Maine Revised Statutes, Title 22, section 5106, subsection 11-C; and be it further

11 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
12 and the first-named House of Representatives member is the House chair of the
13 commission; and be it further

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

22 **Sec. 5. Duties. Resolved:** That the commission shall study current challenges to
23 recruiting and retaining direct care workers and ensuring high-quality long-term care for
24 seniors in the State and recommend ways to support and strengthen this workforce across
25 the long-term care continuum. The commission shall:

26 1. Review studies, legislation and Department of Health and Human Services'
27 initiatives related to recruiting and retaining direct care workers and ensuring high-quality
28 long-term care;

29 2. Across the long-term care continuum, develop a comparison chart identifying the
30 types of direct care worker jobs and, for each type of job, identifying the current number
31 of workers, required licensure and training and average salary and benefits;

32 3. Assess the current demand for direct care workers, including, but not limited to,
33 identifying unmet staffing needs, gaps in specific geographic regions or particular
34 services and labor market pressures that lead to worker shortages across the long-term
35 care continuum;

36 4. Identify clear pathways to increase the direct care workforce in the State to meet
37 current demand, including strategies to bring more people into that career path as well as
38 ways to create career advancement opportunities within and between long-term care
39 settings;

