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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.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Speaker EVES of North Berwick. Cosponsored by Senator BURNS of Washington. 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 Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum is established to address a growing crisis related to a lack of direct care workers to provide home-based, community-based and facility-based long-term care; and

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

- **Sec. 1. Commission established. Resolved:** That the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum, referred to in this resolve as "the commission," is established; and be it further
- **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 15 members as follows:
 - 1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
 - 2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and
 - 3. Ten members who possess expertise in the subject matter of the study as follows:
- A. The Commissioner of Health and Human Services or the commissioner's designee;
 - B. The Commissioner of Labor or the commissioner's designee;
 - C. A direct care worker appointed by the President of the Senate;
 - D. A provider of home-based long-term care who is a member of a statewide association representing home-based long-term care providers appointed by the President of the Senate;
 - E. A representative of a statewide association representing nonprofit housing and senior service programming appointed by the President of the Senate;
- F. A provider of facility-based long-term care who is a member of a statewide association representing facility-based long-term care providers appointed by the Speaker of the House;

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

- H. A representative of an institution of higher education engaged in workforce development appointed by the Speaker of the House;
- I. A representative of a service coordination agency providing service coordination to people receiving home-based and community-based long-term care appointed by the Speaker of the House; and
- J. The executive director of the long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C; and be it further
- **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further
- **Sec. 4.** Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further
- **Sec. 5. Duties. Resolved:** That the commission shall study current challenges to recruiting and retaining direct care workers and ensuring high-quality long-term care for seniors in the State and recommend ways to support and strengthen this workforce across the long-term care continuum. The commission shall:
- 1. Review studies, legislation and Department of Health and Human Services' initiatives related to recruiting and retaining direct care workers and ensuring high-quality long-term care;
- 2. Across the long-term care continuum, develop a comparison chart identifying the types of direct care worker jobs and, for each type of job, identifying the current number of workers, required licensure and training and average salary and benefits;
- 3. Assess the current demand for direct care workers, including, but not limited to, identifying unmet staffing needs, gaps in specific geographic regions or particular services and labor market pressures that lead to worker shortages across the long-term care continuum;
- 4. Identify clear pathways to increase the direct care workforce in the State to meet current demand, including strategies to bring more people into that career path as well as ways to create career advancement opportunities within and between long-term care settings;

- 5. Develop ways to make direct care worker jobs attractive to large numbers of new and qualified personnel, including, but not limited to, creating worker incentives, such as tuition forgiveness and tuition credit, and establishing more flexible and relevant approaches to education, credentialing and ongoing training;
- 6. Develop strategies for establishing high-quality work environments, including workplace and job design, management practices, supervisor training and opportunities for peer learning and leadership;
- 7. Recommend changes to the long-term care system that align service delivery with financing to facilitate closing the care gaps across the long-term care continuum; and
- 8. Examine programs in other states to determine if there are models that could be used to develop a stronger direct care workforce in the State; and be it further
- **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission; and be it further
- **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than December 2, 2016, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee may report out legislation on the subject matter of the report to the First Regular Session of the 128th Legislature.
- **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

23 SUMMARY

This resolve establishes the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum. The commission is required to study current challenges to recruiting and retaining direct care workers and recommend ways to support and strengthen that workforce across the long-term care continuum. The commission's duties include reviewing related studies, legislation and Department of Health and Human Services' initiatives; determining current demand for direct care workers across long-term care settings; identifying career pathways for direct care workers within and across long-term care settings; developing worker incentive programs; and developing strategies to create high-quality work environments. The commission must submit its report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 2, 2016. The committee may report out legislation to the First Regular Session of the 128th Legislature.