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Resolve, Establishing the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities

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 number of residents of the State who are over 85 years of age is projected to increase by 35% between 2006 and 2015; and

Whereas, most of the State's nursing homes and residential care facilities are more than 30 years old with minimal renovations; and

Whereas, only 2 replacement nursing homes have been built in the State in the last 10 years; and

Whereas, the design and program elements of many existing facilities are obsolete and insufficient to properly provide for the needs of residents and present safety risks; and

Whereas, the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities is established to address these significant and timely issues; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report concerning the study submitted in time 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 Resolved: That the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities, referred to in this resolve as "the commission," is established; and be it further

Sec. 2 Commission membership. Resolved: That the commission consists of 11 members appointed as follows:

1. Five members appointed by the President of the Senate as follows:

A. Two members of the Senate, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate;

B. One member who represents long-term care providers with experience in the residential care setting; and

C Two members from the Department of Health and Human Services, one from the office of elder services and one from the Division of Licensing and Regulatory Services, both of whom are familiar with the needs of long-term care facilities and the certificate of need program and licensing review of long-term care projects;

2. Five members appointed by the Speaker of the House as follows:

A. Three members of the House of Representatives, 2 belonging to the political party holding the largest number of seats in the House and one belonging to the political party holding the 2nd largest number of seats in the House;

B. One member who is an expert in the field of long-term care finance; and

C. One member who represents long-term care providers with experience in a nursing home setting; and

3. One member appointed by the Governor from the Governor's staff; 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. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than June 1, 2009; and be it further

Sec. 5 Duties. Resolved: That the commission shall study the need for replacement of aging and outdated long-term care facilities and the best means to accomplish this goal with appropriate modern facilities. Specifically, the commission shall:

1. Evaluate the adequacy of the existing stock of nursing homes and residential care facilities;

2. Review safety risks and changes that have taken place in modern long-term care facilities over the past 20 years and design and program elements to update and replace those facilities in order to meet projected needs;

3. Review the ability of current facilities to care for residents with special needs;

4. Study and make recommendations on the financial barriers associated with developing modern long-term care facilities; and

5. Study and make recommendations on the regulatory barriers associated with developing modern long-term care facilities; and be it further

Sec. 6 Staff assistance. Resolved: That, notwithstanding Joint Rule 353, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7 Report. Resolved: That, no later than November 13, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Health and Human Services is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve establishes the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities.