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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 113, L.D. 155, Bill, “An Act To Expand Housing Opportunities for Patients with Complex Medical Conditions”

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish the Commission To Study Difficult-to-place Patients'

Amend the bill by striking out everything after the title and before the summary 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, this resolve establishes the Commission To Study Difficult-to-place Patients to study certain issues related to difficult-to-place patients with complex medical conditions and the feasibility of making policy changes to the long-term care system for those patients; and

Whereas, immediate enactment of this resolve is necessary to provide the commission adequate time to complete its work; 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, notwithstanding Joint Rule 353, the Commission To Study Difficult-to-place Patients, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed 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;

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1 2. Three members of the House of Representatives appointed by the Speaker of the
2 House, including members from each of the 2 parties holding the largest number of seats
3 in the Legislature;

4 3. The Commissioner of Health and Human Services or the commissioner's designee;
5 and

6 4. Seven members appointed by the Governor who possess expertise in the subject
7 matter of the study, as follows:

8 A. The director of the long-term care ombudsman program described under the
9 Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

10 B. An individual representing a statewide association of long-term care facilities;

11 C. An individual representing a statewide association of hospitals;

12 D. An individual representing an organization that represents people with disabilities;

13 E. An individual representing a statewide organization advocating for people with
14 mental illness;

15 F. An individual representing an organization promoting independent living for
16 individuals with disabilities; and

17 G. An individual or a family member of an individual with a complex medical
18 condition; and be it further

19 **Sec. 3. Chairs; subcommittees. Resolved:** That the first-named Senate member
20 is the Senate chair and the first-named House of Representatives member is the House
21 chair of the commission. The chairs of the commission are authorized to establish
22 subcommittees to work on the duties listed in section 5 and to assist the commission. Any
23 subcommittees established by the chairs must be composed of members of the
24 commission and interested persons who are not members of the commission and who
25 volunteer to serve on the subcommittees without reimbursement. Interested persons may
26 include individuals with expertise in placing individuals with complex medical conditions
27 in long-term care placements, individuals who provide long-term care to individuals with
28 complex medical conditions, individuals affected by neurodegenerative diseases and
29 individuals affected by mental illness; and be it further

30 **Sec. 4. Appointments; convening of commission. Resolved:** That all
31 appointments must be made no later than 30 days following the effective date of this
32 resolve. The appointing authorities shall notify the Executive Director of the Legislative
33 Council once all appointments have been completed. After appointment of all members
34 and after adjournment of the First Regular Session of the 127th Legislature, the chairs
35 shall call and convene the first meeting of the commission. If 30 days or more after the
36 effective date of this resolve a majority of but not all appointments have been made, the
37 chairs may request authority and the Legislative Council may grant authority for the
38 commission to meet and conduct its business; and be it further

39 **Sec. 5. Duties. Resolved:** That the commission shall study the following issues
40 and the feasibility of making policy changes to the long-term care system for patients
41 with complex medical conditions:

1 1. Identification of categories of patients with complex medical and mental health
2 conditions who are unable to be discharged from hospitals because there are no facilities
3 or providers who are able to care for them or to accept them for care;

4 2. A description of how patients with complex medical and mental health conditions
5 are placed currently, including the involvement of staff from the Department of Health
6 and Human Services;

7 3. Identification of primary barriers to placement of patients with complex medical
8 and mental health conditions currently;

9 4. A description of facilities in which patients with complex medical and mental
10 health conditions are currently placed, including whether the facilities are in-state and the
11 costs associated with the patients' care;

12 5. Options for increasing availability of residential care and long-term care facilities,
13 including conversion of existing facilities such as hospitals, nursing homes and the
14 Dorothea Dix Psychiatric Center to long-term care facilities for specialized populations
15 that are difficult to place for care, such as ventilator-dependent patients, geropsychiatric
16 patients and bariatric patients;

17 6. Rates of reimbursement necessary to operate facilities to manage patients with
18 complex medical conditions, including psychiatric conditions and neurodegenerative
19 diseases; and

20 7. Any other issue identified by the commission; and be it further

21 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
22 necessary staffing services to the commission; and be it further

23 **Sec. 7. Information and assistance. Resolved:** That the Commissioner of
24 Health and Human Services shall provide information and assistance to the commission
25 as required for its duties; and be it further

26 **Sec. 8. Report. Resolved:** That, no later than December 2, 2015, the commission
27 shall submit a report that includes its findings and recommendations, including suggested
28 legislation, for presentation to the Joint Standing Committee on Health and Human
29 Services.

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

32 SUMMARY

33 This amendment replaces the bill, changes it into a resolve and adds an emergency
34 preamble and emergency clause. The amendment establishes the Commission To Study
35 Difficult-to-place Patients in order to study certain issues related to difficult-to-place
36 patients with complex medical conditions and the feasibility of making policy changes to
37 the long-term care system for those patients. The commission comprises 13 members,
38 including 5 Legislators; the Commissioner of Health and Human Services; the director of
39 the long-term care ombudsman program; representatives of organizations representing
40 people with disabilities, people with mental illness, the promotion of independent living
41 for individuals with disabilities, long-term care facilities and hospitals; and a patient or

1 family member of a patient with complex medical needs. The amendment requires the
2 commission to report to the Joint Standing Committee on Health and Human Services by
3 December 2, 2015.