

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 719 - L.D. 2001

An Act To Clarify State Policy and Legislative Intent Regarding the Maine Veterans' Homes, To Require Notification of Closure of the Maine Veterans' Homes to the Legislature and To Fund Public Homes in Caribou and Machias in Order To Keep Them Open

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 closure of the Maine Veterans' Homes facilities in Caribou and Machias will cause substantial and unnecessary harm and disruption to the veterans and the families of the veterans who are under the care of these facilities; and

Whereas, closure of the Maine Veterans' Homes facilities in Caribou and Machias was abruptly decided without public discussion; and

Whereas, the facilities in these locations are necessary to provide care to the veterans in the surrounding rural areas; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §601, as amended by PL 2015, c. 397, §4, is repealed and the following enacted in its place:

§601. Statement of policy; purpose; location of homes; additional services

1. Statement of policy. It is the policy of the State to ensure the provision of long-term care, support and services to eligible veterans and their family members in every region of the State and the intent of the Legislature that the Maine Veterans' Homes implement this policy by providing long-term care, support and related services to fulfill the State's moral obligation to promote the well-being and dignity of the veterans who have served their nation, often in times of war and at great cost.

2. Purpose; location of homes. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes and for any other class of veterans who meet applicable state and federal requirements to receive services provided by the Maine Veterans' Homes. The Maine Veterans' Homes provide long-term care, support and related services to eligible veterans and family members of veterans in every region of the State. To carry out the duty of providing long-term care, support and related services to eligible veterans and family members of veterans, the Maine Veterans' Homes must be located in Augusta, Bangor, Caribou, Machias, Scarborough and South Paris. The homes located in the municipalities listed in this subsection must remain in continuous operation and no location may discontinue services unless the Board of Trustees of the Maine Veterans' Homes follows the process established in section 612.

3. Additional services. In addition to the provision of long-term care, support and related services, the Maine Veterans' Homes may provide nonnursing facility care and services, including inpatient health care programs and adult day health care programs, to Maine veterans if approved by appropriate state and federal authorities. The Maine Veterans' Homes may construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds, including, but not limited to, funds sought under section 604, subsection 6. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose.

Sec. 2. 37-B MRSA §603, sub-§1, as enacted by PL 2021, c. 238, §1, is amended to read:

1. Administration of the homes. The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, referred to in this chapter as "the board," as authorized by Title 5, section 12004-G, subsection 34.

Sec. 3. 37-B MRSA §603, sub-§2, as enacted by PL 2021, c. 238, §1, is repealed and the following enacted in its place:

2. Appointment; composition. The board consists of 13 members, one of whom must be the Director of the Maine Bureau of Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining members as follows:

A. Nine members from a list of nominees submitted to the Governor by the board. The list submitted by the board must include individuals recommended to the board by established veterans' service organizations with chapters in the State and organizations and individuals who have demonstrated leadership in their fields; and

B. Three members who are not members of the United States Armed Forces or the National Guard or veterans and who are not on the list of nominees submitted by the board pursuant to paragraph A.

The membership of the board must reflect the diversity of the State, including, but not limited to, diversity in geographic location, cultural and ethnic background, sexual

orientation, gender identity and professional experience. A majority of board members must be honorably discharged veterans.

Sec. 4. 37-B MRSA §604, sub-§2, as amended by PL 2021, c. 238, §2, is further amended to read:

2. Meetings. The board shall meet at least 4 times annually. ~~Six~~ Seven members constitute a quorum.

Sec. 5. 37-B MRSA §604, sub-§6, as amended by PL 2015, c. 397, §12, is further amended to read:

6. Other funds. ~~The board may apply for and receive any grants in aid~~ In order to ensure the continuous operation of the homes in the municipalities listed in section 601, the board shall seek funds from private and public sources, including, but not limited to, state and federal appropriations and grants for which the State or the homes may be eligible.

Sec. 6. 37-B MRSA §604, sub-§7, as amended by PL 2015, c. 397, §12, is further amended to read:

7. Rules. The board shall adopt rules necessary to administer the homes, to establish just charges for the maintenance of members and to oversee the operation of the homes. In adopting rules, the board shall seek comments and information from staff of the homes, members, members' families, members of the public and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, subchapters 2 and 2-A, do not apply.

Sec. 7. 37-B MRSA §604, sub-§8, as enacted by PL 1987, c. 11, §2, is amended to read:

8. Assistance. ~~Every~~ The Legislature and every department and agency of the State, ~~when requested,~~ may furnish such assistance, counsel or advice as the board may request or require in the discharge of its duties.

Sec. 8. 37-B MRSA §611, as amended by PL 2015, c. 397, §18, is further amended to read:

§611. Reports Annual reports

~~The~~ By February 15, 2023 and annually thereafter, the board shall submit ~~an annual~~ a report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs. This report must contain a copy of audited financial statements, statistics on members who resided in the homes during the year, any amendments to the rules regarding the administration of the homes made by the board since its last report on the administration of the homes, a description of any efforts to seek funding as required under section 604, subsection 6, recommendations to the Governor and Legislature and information regarding such other matters as the board deems considers pertinent. The joint standing committee of the Legislature having jurisdiction over veterans affairs may report out legislation based upon the report.

Sec. 9. 37-B MRSA §612 is enacted to read:

§612. Discontinuation of services or closure of home

If the board authorizes the discontinuation of services at or the closure of a public home for veterans, the board shall notify the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over veterans affairs within 3 days of the authorization and no less than 45 days before submitting a plan for the discontinuation of services or closure of the home to the Department of Health and Human Services if required by law. Within 10 days of receiving notice under this section, the joint standing committee of the Legislature having jurisdiction over veterans affairs, with as much public notice as possible, shall hold a public hearing at which board members shall present the reasons for the discontinuation of services or the closure and the committee shall accept public comments on the discontinuation of services or the closure. At that public meeting the board shall present:

1. Financial and demographic data. The financial and demographic data for the regions served by the home, including, but not limited to, information regarding services necessary to meet the needs of eligible veterans and their families in the region;

2. Plan for care of veterans and families. The board's plan for the care of veterans receiving care at the home and the family members of those veterans; and

3. Plan for use or disposition of home. The board's plan for the use or disposition of facilities after the home is closed.

The joint standing committee of the Legislature having jurisdiction over veterans affairs may report out legislation to any regular or special session of the Legislature based on the information received at the meeting.

Sec. 10. Maine Veterans' Homes; Caribou and Machias locations. Notwithstanding any decision of the Board of Trustees of the Maine Veterans' Homes prior to the effective date this section, the Maine Veterans' Homes located in Caribou and Machias may not be closed until the Board of Trustees of the Maine Veterans' Homes submits a report under the Maine Revised Statutes, Title 37-B, section 611 that includes a proposal to close those homes and the process required under Title 37-B, section 612 has been followed.

Sec. 11. Maine Veterans' Homes; stakeholder group. The Board of Trustees of the Maine Veterans' Homes, in collaboration with the Commissioner of Defense, Veterans and Emergency Management and the Commissioner of Health and Human Services, shall convene a group of relevant stakeholders to develop a plan for the long-term viability and continuous operation of the Maine Veterans' Homes locations designated in the Maine Revised Statutes, Title 37-B, section 601. The stakeholder group must include or seek input from veterans and their families, employees of the Maine Veterans' Homes and people in the communities served by the Maine Veterans' Homes. The board shall present a report summarizing the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over veterans affairs no later than February 15, 2023.

Sec. 12. Department of Health and Human Services to amend rules; Maine Veterans' Homes. The Department of Health and Human Services shall allocate a total supplemental payment of \$1,063,830 in fiscal year 2021-22 as described in this section. The department shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities, to allocate a

supplemental payment of \$2,442,200 in fiscal year 2022-23 to the Maine Veterans' Homes to offset budget shortfalls. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The department, in its rulemaking, shall allocate funding in a manner that addresses Maine Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans' Homes nursing facility. As a condition of receiving the supplemental payments, the Maine Veterans' Homes must commit to continue to provide all services that were offered at the Caribou and Machias homes on October 27, 2021.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Nursing Facilities 0148**

Initiative: Provides one-time supplemental payments to the Department of Health and Human Services for the purpose of making supplemental payments to the Maine Veterans' Homes.

GENERAL FUND	2021-22	2022-23
All Other	\$1,000,000	\$750,000
GENERAL FUND TOTAL	<u>\$1,000,000</u>	<u>\$750,000</u>

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$1,545,668
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,545,668</u>

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$63,830	\$146,532
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$63,830</u>	<u>\$146,532</u>

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