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No. 496

S.P. 189

In Senate, February 19, 2013

Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator FLOOD of Kennebec.

1**Preamble. Whereas,** the Department of Health and Human Services has drafted2performance standards for individuals served under a community support benefit3provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter4101, Sections 21 and 29; and

5 **Whereas,** the draft standards jeopardize current employment of at least 170 individuals; and

7 Whereas, the draft standards discourage subminimum wage options for these
8 individuals, who have been designated as unemployable by the Department of Labor,
9 Bureau of Rehabilitation Services, division of vocational rehabilitation; and

- 10 **Whereas,** both federal and state laws recognize subminimum wage options to be 11 acceptable for certain individuals, subject to applicable rules and certification; and
- 12 **Whereas,** state law mandates that determination of support needs is the 13 responsibility of the individual's personal planning team; and

Whereas, while the draft standards may reflect achievable measures for the waiver
 system overall, they fail to address the needs of all individuals among the varying case
 mix among service providers; now, therefore, be it

17 Sec. 1. Standards. Resolved: That the Department of Health and Human 18 Services shall continue working with provider agencies to develop standards that ensure 19 that all employment options, including subminimum wage options, continue to be 20 available for individuals served under a community support benefit provided under a 21 federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter 101, Sections 21 22 and 29; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to implementing the standards developed under section 1 with an analysis of the impact on all individuals currently receiving services under a community support benefit provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter 101, Sections 21 and 29 and the likely future impacts.

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SUMMARY

This resolve directs the Department of Health and Human Services to continue working with provider agencies to develop standards to ensure consideration of all employment options, including subminimum wage options, under the MaineCare waiver program for individuals who are designated as unemployable. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters before implementing new standards.