

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 653

H.P. 474

House of Representatives, February 7, 2019

**Resolve, To Establish the Task Force To Study Opportunities for
Improving Home and Community-based Services**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator SANBORN, H. of Cumberland and
Representatives: DENNO of Cumberland, PEOPLES of Westbrook, STANLEY of Medway,
VEROW of Brewer.

1 **Sec. 1. Task force established. Resolved:** That, notwithstanding Joint Rule
2 353, the Task Force To Study Opportunities for Improving Home and Community-Based
3 Services, referred to in this section as "the task force," is established to study how to
4 make home and community-based services accessible to all residents of the State in need
5 of these services.

6 **Sec. 2. Membership; chairs. Resolved:** That the task force consists of 13
7 members as follows:

8 1. Four members appointed by the President of the Senate, including at least one
9 Legislator who is not a member of the same political party as the President of the Senate,
10 as follows:

11 A. One member of the Senate who serves on the Joint Standing Committee on Health
12 and Human Services, who serves as a cochair of the task force;

13 B. One member of the Senate who serves on the Joint Standing Committee on Labor
14 and Housing;

15 C. One member who is a representative of community-based services providers that
16 currently provide home and community-based services; and

17 D. One member who is a worker who provides home and community-based services
18 or is directly knowledgeable about workers who provide home and community-based
19 services;

20 2. Four members appointed by the Speaker of the House, including at least one
21 Legislator who is not a member of the same political party as the Speaker of the House,
22 as follows:

23 A. Two members of the House of Representatives who serve on the Joint Standing
24 Committee on Health and Human Services, the first-named of whom serves as a
25 cochair of the task force;

26 B. One member of the House of Representatives who serves on the Joint Standing
27 Committee on Appropriations and Financial Affairs; and

28 C. One member who represents an advocacy organization for seniors;

29 3. Three members appointed by the Governor, as follows:

30 A. One member who is a recipient of home or community-based services under
31 MaineCare or who has a family member who is a recipient of home or community-
32 based services under MaineCare;

33 B. One member who represents an advocacy organization for persons with
34 disabilities; and

35 C. One member of the public;

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

1 5. The Commissioner of Labor or the commissioner's designee.

2 **Sec. 3. Appointments; convening of task force. Resolved:** That all
3 appointments must be made no later than 30 days following the effective date of this
4 resolve. The appointing authorities shall notify the Executive Director of the Legislative
5 Council once all appointments have been completed. Within 15 days after appointment of
6 all members, the cochairs shall call and convene the first meeting of the task force, which
7 must be no later than 30 days following the appointment of all members. Subsequent
8 meetings are at the call of the cochairs or by decision of a majority of the members. The
9 task force may meet 10 times.

10 **Sec. 4. Duties. Resolved:** That the study conducted by the task force must
11 include, but is not limited to:

12 1. A review of the population in need of home and community-based services, the
13 expected demand for services and approaches for determining eligibility;

14 2. A review of the potential scope of services needed, including the type and
15 frequency of services, staff time and other resources required to provide those services
16 and the availability and qualifications of the workers who could provide those services;

17 3. An examination of existing services provided through public sector and private
18 sector systems, gaps in the systems resulting in unmet needs and the costs to a typical
19 recipient expressed as a percentage of the income of typical recipients;

20 4. An analysis of the potential for innovative approaches to reimbursement for
21 services and a review of promising proposals and successful models from other
22 jurisdictions;

23 5. A discussion with existing public and private home and community-based services
24 providers to analyze the potential for greater coordination and the options for expanding
25 services to meet projected needs;

26 6. An analysis of the options for recruiting and retaining a workforce with the
27 requisite skills and with sufficient capacity to satisfy the needs of the population to be
28 served;

29 7. An analysis of how federal Medicaid matching funding may provide opportunities
30 to achieve more sustainable delivery of home and community-based services in the
31 future;

32 8. An analysis of how cost-sharing approaches can help maximize the scope and
33 efficacy of home and community-based services delivery available in the State; and

34 9. An analysis of other policies and strategies that a majority of the task force
35 members agree to include in this study.

36 **Sec. 5. Staff assistance. Resolved:** That the Department of Health and Human
37 Services and the Department of Labor shall provide the task force with staff assistance

1 and access to any nonconfidential aggregate information necessary for the task force to
2 carry out its duties.

3 **Sec. 6. Interim report; public input. Resolved:** That the task force shall
4 publish an interim report by October 15, 2019 and seek and obtain input on the interim
5 report from a wide range of experts on home and community-based services policy,
6 workers, families and agencies around the State who are knowledgeable about home and
7 community-based services or affected by changes in cost or availability of home and
8 community-based services.

9 **Sec. 7. Final report. Resolved:** That the task force shall submit a report
10 containing its findings and recommendations, including any necessary implementing
11 legislation, to the Joint Standing Committee on Health and Human Services by December
12 15, 2019. The findings and recommendations submitted by the task force must relate to at
13 least the following proposals:

14 1. The development of policies and strategies to increase the availability of home and
15 community-based services to seniors and persons with disabilities who have difficulty
16 with at least one activity of daily living;

17 2. The establishment of an approach to workforce development that ensures that
18 sufficient personnel are trained and available to serve the home and community-based
19 services needs in the State at adequate compensation levels and allows providers to
20 establish stable and reliable employee work schedules;

21 3. An approach to cost-sharing that marshals scarce resources while ensuring that
22 excessive cost is not a widespread obstacle to obtaining needed services; and

23 4. The development of a procedure whereby the Department of Labor and the
24 Department of Health and Human Services will report annually to the joint standing
25 committees of the Legislature having jurisdiction over health and human services matters
26 and labor matters on the subjects addressed by this task force.

27 The Joint Standing Committee on Health and Human Services may submit a bill
28 related to this report to the Second Regular Session of the 129th Legislature.

29 **Sec. 8. Outside funding. Resolved:** That the task force may seek outside
30 funding to support the work of the task force in accordance with the policy of the
31 Legislative Council with regard to outside funding.

32 SUMMARY

33 This resolve establishes the Task Force To Study Opportunities for Improving Home
34 and Community-based Services. The task force membership consists of Legislators,
35 representatives of entities knowledgeable about or involved in home and community-
36 based services, one provider of such services, one recipient of such services, the
37 Commissioner of Health and Human Services, the Commissioner of Labor and one
38 member of the public. The task force's duties include examination and review of the
39 unmet need for home and community-based services, adequacy of the workforce

1 providing home and community-based services, current systems for delivering home and
2 community-based services and reimbursement arrangements in the home and community-
3 based services sector. The task force is required to publish an interim report by October
4 15, 2019 and then seek input from stakeholders around the State. The task force must
5 report its findings and recommendations, including any necessary implementing
6 legislation, to the Joint Standing Committee on Health and Human Services by December
7 15, 2019.