

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1142

H.P. 831

House of Representatives, March 7, 2019

**Resolve, To Expand Transportation Services for Seniors Who Are
MaineCare Members**

(EMERGENCY)

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MAXMIN of Nobleboro.
Cosponsored by Senator DOW of Lincoln and
Representatives: ACKLEY of Monmouth, COREY of Windham, FAY of Raymond,
MAREAN of Hollis, MARTIN of Greene, McLEAN of Gorham, SCHNECK of Bangor,
TUELL of East Machias.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** preparation of amendments to federal waivers under the Social Security
4 Act are labor intensive and require time to prepare; and

5 **Whereas,** a stakeholder group to develop a plan for transportation services for the
6 elderly must begin as soon as possible in order to have sufficient time to develop a report
7 to be acted on during the next legislative session; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore, be it

12 **Sec. 1. Department of Health and Human Services to amend the Section**
13 **19 waiver. Resolved:** That the Department of Health and Human Services shall seek
14 to amend the existing 1915(c) waiver to allow individuals receiving services under the
15 department's rule Chapter 101: MaineCare Benefits Manual, Section 19 to receive
16 transportation services necessary to access services specified in an individual's service
17 plan, in addition to any currently permissible medical transportation, when the individual
18 has no other means of transportation. The department shall submit a waiver amendment
19 request to the United States Department of Health and Human Services, Centers for
20 Medicare and Medicaid Services no later than October 1, 2019.

21 **Sec. 2. Rulemaking. Resolved:** That, upon approval of the waiver amendment
22 pursuant to section 1, the department shall amend its rule Chapter 101: MaineCare
23 Benefits Manual, Section 19 to allow for the transportation services allowed by the
24 amendment to the waiver. Rules adopted pursuant to this section are routine technical
25 rules as defined in Title 5, chapter 375, subchapter 2-A. The department shall submit a
26 progress report on the waiver application and rulemaking to the Joint Standing
27 Committee on Health and Human Services no later than January 1, 2020.

28 **Sec. 3. Department of Health and Human Services to study nonmedical**
29 **transportation for seniors. Resolved:** That the Department of Health and Human
30 Services shall convene a stakeholder group to develop a plan to provide nonmedical
31 transportation services to travel to destinations to meet basic needs to persons who are 61
32 years of age or older with no other means of transportation and who are MaineCare
33 members or receive state-funded services under the department's rule Chapter 5: Office of
34 Elder Services Policy Manual, Section 63. The department shall submit a report with a
35 proposed plan including funding estimates and sources of funding as well as any
36 suggested legislation to the Joint Standing Committee on Health and Human Services no
37 later than January 30, 2020.

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

1

SUMMARY

2 This emergency resolve requires the Department of Health and Human Services to
3 submit an amendment request to the United States Department of Health and Human
4 Services, Centers for Medicare and Medicaid Services to the 1915(c) waiver that provides
5 services to the elderly under the department's rule Chapter 101: MaineCare Benefits
6 Manual, Section 19 to allow for coverage of transportation services required to access
7 services specified in the individual's service plan that are nonmedical in nature. The
8 waiver request must be submitted no later than October 1, 2019. Upon approval, the
9 department shall amend its rules to cover the new service. The department shall submit a
10 progress report to the Joint Standing Committee on Health and Human Services regarding
11 the waiver request and rulemaking. The resolve also requires the Department of Health
12 and Human Services to convene a stakeholder group to develop a plan to provide
13 nonmedical transportation services to travel to destinations to meet basic needs to persons
14 who are 61 years of age or older with no other means of transportation and who are
15 MaineCare members or receive state-funded services under the department's rule Chapter
16 5: Office of Elder Services Policy Manual, Section 63. The plan must be submitted to the
17 Joint Standing Committee on Health and Human Services no later than January 30, 2020.