

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1936

H.P. 1380

House of Representatives, January 8, 2020

**An Act To Allow Parents of Minors Who Qualify for In-home
Personal Care under the MaineCare Program To Be Employed as
Caregivers for Those Minors**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RILEY of Jay.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: CRAVEN of Lewiston, FAY of Raymond, MEYER of Eliot, STOVER of
Boothbay, Senator: CLAXTON of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3174-EEE** is enacted to read:

3 **§3174-EEE. In-home personal care services to minors**

4 **1. Reimbursement for parent.** A parent of a child who is eligible for in-home
5 personal care services under the MaineCare program may register as a personal care
6 agency as defined in section 1717, subsection 1, paragraph C and determined in
7 department rule and receive reimbursement for providing those services to the child.

8 **2. Employer designation.** In order for a parent to be registered as a personal care
9 agency under subsection 1, another individual who is not a parent of the child must be
10 designated the employer. The person designated as the employer must be approved by
11 both the department and the parent to act in the child's interest.

12 **3. Rulemaking.** The department shall adopt rules to implement this section. Rules
13 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.

15 **Sec. 2. Department of Health and Human Services to seek federal**
16 **approval.** The Department of Health and Human Services shall seek any necessary
17 state plan amendments or waivers from the United States Department of Health and
18 Human Services, Centers for Medicare and Medicaid Services to implement the Maine
19 Revised Statutes, Title 22, section 3174-EEE. The department shall submit the requests
20 for approval no later than 6 months after the effective date of this Act.

21 **Sec. 3. Rulemaking.** The Department of Health and Human Services shall adopt
22 rules in accordance with the Maine Revised Statutes, Title 22, section 3174-EEE,
23 subsection 3 no later than 6 months after receiving the necessary approvals from the
24 United States Department of Health and Human Services, Centers for Medicare and
25 Medicaid Services.

26 **Sec. 4. Contingent effective date.** That section of this Act that enacts the Maine
27 Revised Statutes, Title 22, section 3174-EEE takes effect only if the necessary approvals
28 sought pursuant to section 2 of this Act are received. The Commissioner of Health and
29 Human Services shall notify the Secretary of State, Secretary of the Senate, Clerk of the
30 House of Representatives and Revisor of Statutes when approvals sought under section 2
31 have been received.

32 **SUMMARY**

33 This bill allows for the reimbursement of a parent providing in-home personal care
34 services to the parent's child by allowing the parent to register as a personal care agency.
35 The child must be eligible for the MaineCare program. An individual who is not a parent
36 of the child must be designated as the employer and must be approved as the employer by
37 both the parent and the Department of Health and Human Services. The department is
38 required to request the necessary state plan amendments or waivers from the federal

1 Department of Health and Human Services, Centers for Medicare and Medicaid Services
2 and adopt routine technical rules upon federal approval.