

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 279

S.P. 129

In Senate, January 28, 2025

**An Act to Address the Shortage of Direct Care Workers for
Children with Disabilities in Maine**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Senators: GROHOSKI of Hancock, INGWERSEN of York, RAFFERTY of York.

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,** a shortage of direct care workers has resulted in individuals, including
4 children, who are eligible for in-home personal care services but are not receiving critical
5 services; and

6 **Whereas,** parents of children eligible for in-home personal care services are leaving
7 paid employment to provide care in the absence of available direct care workers, resulting
8 in economic hardship; and

9 **Whereas,** this legislation requires the Department of Health and Human Services to
10 submit a request for the necessary state plan amendment or Medicaid waiver from the
11 Federal Government as soon after enactment as possible; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 22 MRSA §1717, sub-§2-A,** as enacted by PL 2023, c. 309, §5, is amended
18 to read:

19 **2-A. Licensing of personal care agencies.** Beginning July 1, 2024, an entity may not
20 provide home care services without a personal care agency license issued by the department
21 in accordance with this section. Beginning November 1, 2025, a parent who is registered
22 pursuant to section 3174-PPP may provide in-home personal care services in accordance
23 with section 3174-PPP. All application fees for a license under this section are
24 nonrefundable and are due upon submission of the application.

25 A. A personal care agency that holds an unexpired registration issued in accordance
26 with subsection 2 may continue to provide home care services until the registration
27 expires.

28 This paragraph is repealed July 1, 2025.

29 B. A personal care agency holding an unexpired registration issued in accordance with
30 subsection 2 is not required to obtain a license until the registration expires.

31 This paragraph is repealed July 1, 2025.

32 **Sec. 2. 22 MRSA §3174-PPP** is enacted to read:

33 **§3174-PPP. In-home personal care services to children**

34 **1. Reimbursement for parent.** A parent of a child who is eligible for in-home
35 personal care services under the MaineCare program may register as a personal care
36 agency, as defined in section 1717, subsection 1, paragraph C and determined in department
37 rule, and receive reimbursement for providing those services to the child if the following
38 requirements are met:

39 A. The parent has made reasonable but unsuccessful efforts to obtain regular in-home
40 personal care services; and

