

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1442

S.P. 583

In Senate, April 3, 2025

Resolve, Regarding Personal Care Agency Licensing Rules

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 Representatives: GRAHAM of North Yarmouth, HASENFUS of Readfield,
MILLIKEN of Blue Hill, SUPICA of Bangor, TERRY of Gorham.

Sec. 1. Department of Health and Human Services to modify personal care agency licensing rules. Resolved: That, within 60 days of the effective date of this resolve, the Department of Health and Human Services shall amend its rule Chapter 129: Personal Care Agency Licensing Rule, as follows:

1. Remove the requirement that a personal care agency have a physical site in the State, in a nonresidential building that is zoned for business or, if operating out of a private home or residential setting, located in a separate and distinct space;

2. Add direct support worker training provided by the department to the list of allowable training qualifications for direct care staff;

3. Add the provision of personal care services for a minimum of 5 years and successful completion of an examination demonstrating competency in skills taught in the personal support specialist training, direct support worker training or another department-approved program related to the provision of personal care to the list of allowable qualifications for direct care staff;

4. Add enrollment in personal support specialist training, direct support worker training or a department-approved program related to the provision of personal care within the later of 60 calendar days of hire and 60 calendar days after the initial offering of the direct support worker training by the department to the list of allowable qualifications for direct care staff:

5. Allow employees to complete training within the later of 9 months of hire and 9 months of the initial offering of the direct support worker training by the department;

6. Specify that for each employee assigned direct care staff duties on-site supervision is required at least once within the first 30 days following the employee's first day providing personal care and every 90 days for the first year of employment;

7. Require that supervisors observe, in a culturally appropriate and trauma-informed manner, an employee's ability to understand and perform service plan tasks;

8. Require that only reasonable allegations of misappropriation of client property involving agency staff be reported; and

9. Remove the requirement that a client or legal representative sign a service plan update due to a significant change in client function or status and replace it with a requirement that the client be notified within 3 business days of a service plan update but does not need to provide proactive consent for the update.

SUMMARY

This resolve requires the Department of Health and Human Services, within 60 days of the effective date of this resolve, to make changes to its rule Chapter 129: Personal Care Agency Licensing Rule. These changes include removal of the requirement that a personal care agency have a physical site located in the State; additional options for required training of direct care staff; changes to supervision requirements and to reporting requirements; and changes to requirements for clients to sign certain changes to the clients' service plans.