

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1509

H.P. 993

House of Representatives, April 8, 2025

**Resolve, to Maintain Access to Home and Community-based
Services for Adults with Intellectual Disabilities, Autism Spectrum
Disorder or Brain Injury**

(EMERGENCY)

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.
Cosponsored by Senator MOORE of Washington and
Representatives: CRAFTS of Newcastle, DUCHARME of Madison, GATTINE of Westbrook,
GRAMLICH of Old Orchard Beach, JAVNER of Chester, MCCABE of Lewiston, POIRIER
of Skowhegan, Senator: RENY of Lincoln.

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

Whereas, 5,000 adults with intellectual disabilities, autism spectrum disorder or brain injury rely on MaineCare services to ensure access to individualized employment, community engagement, daily living and vital residential and intensive care and support services each day in Maine; and

Whereas, the community-based providers that deliver these services rely on MaineCare service reimbursement rates to deliver these services; and

Whereas, pursuant to current law, in September of 2023, the Department of Health and Human Services initiated a rate determination process for rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 18, 20, 21 and 29 and a lifespan home and community-based services program and providers of these services participated in a survey providing cost data from fiscal year 2023 for the rate study and determination process; and

Whereas, the subsequent rates proposed from this determination process have not been released for public comment or adopted as anticipated as of January 1, 2025; and

Whereas, the implementation date for the rate determination for these MaineCare services has been tied to the launch of new services for adults with disabilities under a new state waiver, referred to as "the Lifespan Waiver," the launch date of which has been pushed back an additional year to July 2026; and

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

Sec. 1. Rate studies and rate determinations required for services for adults with intellectual disabilities, autism spectrum disorder or brain injury.

Resolved: That, no later than July 1, 2025, the Department of Health and Human Services shall propose and implement the rates as determined by the rate study started by the department in 2023 and carried out pursuant to the provisions of the Maine Revised Statutes, Title 22, section 3173-J for services provided by home and community-based services providers under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 18, 20, 21 and 29.

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

SUMMARY

This resolve directs the Department of Health and Human Services to propose and implement the rates as determined by the department's rate study begun in 2023 and carried out pursuant to the provisions of the Maine Revised Statutes, Title 22, section 3173-J for services provided by home and community-based services providers under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 18, 20, 21 and 29 to adults with intellectual disabilities, autism spectrum disorder or brain injury.