

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1540

S.P. 624

In Senate, April 10, 2025

**Resolve, to Direct the Department of Health and Human Services,
Office of MaineCare Services to Create the Complex Care Assistant
Training Program**

(EMERGENCY)

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

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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,** families with children who need skilled care are unable to find an
4 appropriate workforce to provide care resulting in parents providing services without
5 sufficient medical skills; and

6 **Whereas,** the statewide working group that will develop the complex care assistant
7 training program is required to meet within 30 days of the enactment of this legislation;
8 and

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

13 **Sec. 1. Establishment of a complex care assistant training program.**

14 **Resolved:** That the Department of Health and Human Services shall convene a statewide
15 working group known as the Complex Care Assistant Council, referred to in this resolve
16 as "the council," within 30 days of enactment of this resolve, to develop a system of
17 standards for a complex care assistant training program for providing care for children
18 under 20 years of age who require complex medical care provided in the home.

19 1. The council consists of representatives from the department, including the Office of
20 MaineCare Services, the State Board of Nursing, parents and guardians of children who
21 require complex medical care, pediatricians, nurses, respiratory therapists and private duty
22 nursing agencies.

23 2. The council shall develop a system of training and qualification criteria for a
24 complex care assistant training program. The training must include, but is not limited to,
25 the following topics: ambulation, positioning, feeding, personal care, catheter care, range
26 of motion, vital signs, medication administration, tracheostomy care, enteral care and
27 therapy, administering enteral feedings by specific types of tubes and respiratory care.

28 3. The council shall work with private duty nursing agencies to establish an appropriate
29 training schedule conducted by the agencies.

30 4. The department and the State Board of Nursing have oversight over the training
31 program, including credentialing, continuing education requirements, background checks,
32 quality requirements and any other necessary aspects of oversight to ensure the appropriate
33 care of children who require complex medical care.

34 5. The council shall establish a requirement that complex care assistants work under
35 the direction of a registered nurse visiting every 30 days. The requirement must allow
36 complex care assistants to be able to provide services to the children without disruption to
37 services.

38 **Sec. 2. Department of Health and Human Services to establish MaineCare**
39 **program to reimburse complex care assistants. Resolved:** That the Department
40 of Health and Human Services shall establish a MaineCare program to reimburse for the
41 complex care assistant training program developed pursuant to section 1. The program
42 must allow for reimbursement to parents or guardians trained as complex care assistants to

1 provide care, under the direction of a registered nurse, to children under 20 years of age for
2 whom they are a parent or guardian and who qualify under the MaineCare program for
3 complex medical services that would otherwise be reimbursed only under the department's
4 rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 96.

5 1. The department shall identify families with children who require complex medical
6 care and parents or guardians who may train as complex care assistants to provide care for
7 children for whom they are a parent or guardian.

8 2. The department shall apply for any necessary waivers or state plan amendments
9 from the United States Department of Health and Human Services, Centers for Medicare
10 and Medicaid Services to allow for MaineCare reimbursement for parents or guardians who
11 are trained as complex care assistants providing care for children who require complex
12 medical care.

13 3. The department and private duty nursing agencies shall develop a method of
14 providing complex care assistant training to eligible parents and guardians at no cost to the
15 parent or guardian.

16 4. The department shall adopt rules for reimbursement for complex care assistants,
17 including requirements for employment of complex care assistants by private duty nursing
18 agencies, and requirements for private duty nursing agencies to pay certification costs for
19 complex care assistants. Rules adopted pursuant to this subsection are routine technical
20 rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

21 5. The department shall regularly meet with the council when developing rules,
22 waivers and state plan amendments to develop a system of reimbursement for complex care
23 assistants.

24 **Sec. 3. Report to the Legislature. Resolved:** That the Department of Health
25 and Human Services shall submit a report to the joint standing committee of the Legislature
26 having jurisdiction over health and human services matters no later than January 2, 2029
27 with a description of the implementation of the program developed pursuant to sections 1
28 and 2, the number of children requiring complex medical care served in the program and
29 data showing the effectiveness of the complex care assistant training program and private
30 duty nursing model under this resolve. The joint standing committee of the Legislature
31 having jurisdiction over health and human services matters may report out legislation
32 related to the report to the 134th Legislature in 2029.

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

35 SUMMARY

36 This bill establishes the complex care assistant training program to allow parents and
37 guardians of children requiring complex medical care who qualify under the MaineCare
38 program for private duty nursing services. The Department of Health and Human Services
39 must establish the Complex Care Assistant Council to develop qualifications and training
40 for complex care assistants. The department must develop a MaineCare program and apply
41 for any necessary waivers or state plan amendments for the complex care assistant training
42 program. The department is required to submit a report to the joint standing committee of
43 the Legislature having jurisdiction over health and human services matters in 2029

- 1 describing the implementation of the program, the number of participants and data showing
- 2 the effectiveness of the program.