

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1755

H. P. 1355

House of Representatives, April 13, 1977

On Motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.

Cosponsor: Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Make Allocations and Appropriations for Title XX
Social Services Programs.**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of Title XX social service programs will become due and payable immediately after July 1, 1977; 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 enacted by the People of the State of Maine, as follows:

Sec. 1. Allocation of Federal Title XX Funds and Appropriations of Matching Moneys in the General Fund. All funds received pursuant to Title XX of the Social Security Act (42 U.S.C., Subchapter XX) shall be apportioned and expended, and funds are appropriated out of moneys in the General Fund not otherwise appropriated and shall be apportioned and expended, exactly as set out in this Act:

	1977-78
DEPARTMENT OF HUMAN SERVICES:	
Title XX apportionment and expenditures	\$12,500,000
General Fund appropriation, apportionment, and expenditure	1,371,666
Amounts estimated to be available from other sources, including local	<u>2,795,000</u>
Total (estimated)	<u>\$16,666,666</u>

The amounts apportioned and appropriated in the first paragraph shall be expended, consistent with federal and state law and subject to the other provisions of this Act, by programs as set out in subsections 1 through 5 of this section.

1. Purchased Services

A. Alcoholism program

	1977-78
Title XX expenditure	\$1,050,000
General Fund expenditure	35,000
Available from other sources (estimated)	<u>315,000</u>
Total (estimated)	<u>\$1,400,000</u>

(1) The commissioner shall develop and implement a schedule for charging fees to recipients of services under this program. The fees collected shall be retained by the commissioner and shall be used to serve additional eligible recipients, who shall also be subject to the fee schedule. The schedule shall be based on the recipients ability to pay, which shall be expressed as a percentage of median household income, as defined by the U.S. Bureau of Labor Statistics. In addition, the schedule shall:

- (a) Provide the service free where the percentage is less than 60;
- (b) Impose a 100% of cost fee where the percentage is greater than 115;
- (c) Define "cost" to be the lowest unit cost in the State for a particular alcoholism service.

Not more than 30% of expenditures under this program shall be for recipients whose household income is between 80% and 115% of household income as defined above. The fee schedule shall be developed and implemented as expeditiously as the commissioner determines is feasible.

(2) The commissioner shall include youth under the age of 21 as a target population for this program.

(3) The Office of Alcoholism and Drug Abuse Prevention shall conduct a study to determine to what extent Title XX alcoholism program serv-

ices are provided to youth under the age of 21 and to what extent Title XX services are provided to other substance abusers.

B. Services to the blind

	1977-78
Title XX expenditure	\$45,000
General Fund expenditure	—
Available from other sources (estimated)	15,000
	\$60,000

C. Camperships

	1977-78
Title XX expenditures	\$133,875
General Fund expenditure	20,000
Available from other sources (estimated)	24,625
	\$178,500

(1) The Bureau of Resource Development shall work with the Department of Human Services regional office to assure equitable distribution of campership slots, assigning priority for camping services to AFDC recipient children committed to the Department of Human Services, and children from open protective service cases; provided, such services shall not be limited to such children.

D. Day care

	1977-78
Title XX expenditure	\$1,737,750
General Fund expenditure	—
Available from other sources (estimated)	579,250
	\$2,317,000

(1) The \$2,317,000 above shall not include \$990,000 available pursuant to PL 94-401.

(2) Fees for service shall be instituted in daycare subject to the following guidelines:

(a) All agencies shall charge fees to all clients within 60-115% of the median income.

(b) Fees shall not exceed 12% of gross income, and, wherever possible, 100% of the lowest unit cost shall be charged at the 115% level.

(c) Priority for service shall be on low income public assistance recipients and to assure this priority, the service to clients with income between 80% and 115% of the state median income shall be limited to 30% of the available service by service area.

(d) Fees collected by an agency shall be retained by that agency for the purpose of expanding the number of people served through sharing the cost of day care with the people who benefit from day care.

(3) Upgrading of present staff salaries shall take into account the centers having Office of Child Development funding for part of their staff, in order to assure that the career ladder concept is maintained.

(4) A minimum of 10% of day care slots should be allocated to serve abused and neglected children. This 10% should not be considered under the allowance for vacancies, policies for vacancies, or reimbursement. Reimbursement should be made regardless of whether or not a reserved slot is filled.

E. Meals for the elderly

	1977-78
Title XX expenditure	\$429,000
General Fund expenditure	—
Available from other sources (estimated)	<u>143,000</u>
Total (estimated)	\$572,000

(1) Group eligibility for the elderly shall be adopted by the Department of Human Services, for the purpose of increasing the number of meals funded by a specific contract as a result of decreased administrative cost of eligibility determination.

(2) A formalized fee schedule shall not be adopted, but the department shall encourage the concept of voluntary donations by meal program recipients.

(3) The Bureau of Resource Development and the Bureau of Maine's Elderly shall adopt meals program menus based on the cultural preferences of the recipient group.

(4) The department shall evaluate the meals program, including both congregate and home delivered meals. The evaluation shall include a determination of who is served by the meals program in terms of their characteristics such as, health, income, minority status, geographic location, and a study of the actual need met by the meals programs, to ascertain whether the program should be directed toward nutritional objectives or social and recreational objectives.

F. Family planning

	1977-78
Title XX expenditure	\$550,545
General fund expenditure	38,000
Available from other sources (estimated)	<u>145,515</u>
Total (estimated)	\$734,060

(1) Fees for service shall be instituted for family planning services, subject to the following guidelines:

(a) All agencies shall charge fees to all clients within 60-115% of the median income.

(b) Fees may not exceed 12% of gross income, and, wherever possible, 100% of the lowest unit cost should be charged at the 115% level.

(c) Fees collected by an agency shall be retained by that agency for the purpose of expanding the number of people served through sharing the cost of day care with the people who benefit from the family planning program.

(2) The department shall evaluate family planning services as funded by all department sources.

(3) The department shall describe in writing the relationship of its V-6 Services to Unwed Mothers to the family planning services it funds through Title XX, Title X, Title V and Title XIX to assure coordination. Such description shall be included in policy for V-6 services and Bureau of Health policy for family planning services, and in grant awards by any Department of Human Services agency.

G. Homemaker-Home Health Aid Services

1977-78

Title XX expenditure	\$1,500,000
General fund expenditure	111,805
Available from other sources (estimated)	388,195
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Total (estimated)	\$2,000,000

(1) The department shall encourage incorporation of the full range of homemaker health aide activities in persons who provide the service.

(2) A minimum 10% of Homemaker-Home Health Aide Services shall go to open protective service cases in the Department of Human Services. This 10% reserve shall not affect the service ratio determination.

(3) The Department of Human Services shall work with area health agencies to determine an equitable distribution of home health aide services through Title XIX, medicare, and other funding sources. Title XX funding shall not go for health related services when another source of funds is available.

(4) Fees for service shall be implemented for Homemaker-Home Health Aide Services provided to non-protective clients, subject to the following guidelines:

(a) All agencies shall charge fees to all clients within 60-115% of the median income.

(b) Fees may not exceed 12% of gross income, and, wherever possible, 100% of the lowest unit cost should be charged at the 115% level.

(c) Fees collected by an agency shall be retained by that agency for the purpose of expanding the number of people served through sharing the cost of day care with the people who benefit from Homemaker-Home Health Aid Services.

(5) The state homemaker program shall continue to report through the purchase of service system; the allocation for state homemakers shall be accounted under the total allocation for homemaker-home health aide service; and the state homemaker program shall continue to be closely coordinated with the purchase of service section.

H. Housing services

	1977-78
Title XX expenditure	\$243,775
General Fund expenditure	—
Available from other sources (estimated)	81,258
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Total (estimated)	\$325,033

(1) Up to 15% of the Title XX housing services allocation may be used to contract with the Maine State Housing Authority to implement recommendations of the Maine Human Services Council on housing matters.

(2) The department shall evaluate the potential of replacing with other resources within 2 years the Title XX funds now allocated to housing services.

I. Mental retardation services

	1977-78
Title XX expenditure	\$1,479,470
General Fund expenditure	—
Available from other sources (estimated)	493,157
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Total (estimated)	\$1,972,627

(1) The traveling trainer program shall be expanded to state-wide coverage. Emphasis should be on pre-school children, but this shall not mean exclusion of school age children whose social-psychological needs are not being met by the school system.

(2) Funding for community based services shall stress the needs of aftercare clients and non-aftercare clients, as well as children.

(3) Fees for service shall be implemented for mental retardation services, except for aftercare services, subject to the following guidelines:

(a) All agencies shall charge fees to all clients within 60-115% of the median income.

(b) Fees may not exceed 12% of gross income, and, wherever possible, 100% of the lowest unit cost should be charged at the 115% level.

(c) Fees collected by an agency shall be retained by that agency for the purpose of expanding the number of people served through sharing the cost of day care with the people who benefit from Mental retardation services.

(4) The eligibility criteria for mental retardation services shall be expanded to include developmentally disabled people.

J. Mental health services

	1977-78
Title XX expenditure	\$900,000
General Fund expenditure	—
Available from other sources (estimated)	300,000
Total (estimated)	\$1,200,000

(1) Title XX funding for mental health services in general shall stress the development of community based care.

(2) Aftercare services shall be continued, but greater priority than in the past shall be given to services to children and the elderly under Title XX funding for mental health services. Mental health and mental retardation aftercare systems shall be merged.

(3) Community services, such as sheltered workshops and day activity centers, shall be funded for adults needing such service, rather than mentally ill adults or mentally retarded adults.

(4) The working relationship of adult protective services staff and aftercare staff, mental retardation and mental health, shall be clearly spelled out in contracts, specifying their joint and separate responsibilities for people who have been patients in any mental health or mental retardation institution.

(5) A high priority for allocation of money freed up by integration of aftercare systems shall be on group care, including emergency and respite care.

(6) Two employees shall be assigned on a full-time basis to coordinate funding and utilization of available group care slots.

(7) Fees for service shall be instituted for mental health services, except aftercare services, subject to the following guidelines:

(a) All agencies shall charge fees to all clients within 60-115% of the median income.

(b) Fees may not exceed 12% of gross income, and, wherever possible, 100% of the lowest unit cost should be charged at the 115% level.

(c) Fees collected by an agency shall be retained by that agency for the purpose of expanding the number of people served through sharing the cost of day care with the people who benefit from mental health services.

K. Transportation services

	1977-78
Title XX expenditure	\$675,000
General Fund expenditure	—
Available from other sources (estimated)	225,000
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Total (estimated)	\$900,000

(1) Agencies operating their own transportation service after July 1, 1977, shall report on the cost of that service separately.

(2) Agencies operating their own transportation service shall make contractual arrangements with the area transportation agency for transportation services for their clients, not later than June 30, 1978.

(3) Of the money in individual agency contracts for transportation, that portion necessary to provide their transportation through the area agency shall be reallocated to the area agency. Any funds saved shall be used for services expansion in that agency.

(4) The department shall establish a priority setting process for regional transportation services that shall include the following:

(a) Regional transportation agencies shall meet with area service agencies funded by Title XX and the Priority Social Services Program, and the regional Department of Human Services Director and his staff, to develop regional priorities for transportation.

(b) The Maine Human Services Council and Maine Committee on Aging shall review regional priority recommendations and recommend state-wide transportation priorities to the Commissioner, Department of Human Services.

(5) Eligibility shall be set at not to exceed 80% of the state's median income.

L. Group care for adolescents

	1977-78
Title XX expenditure	\$255,000
General Fund expenditure	—
Available from other sources (estimated)	85,000
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Total (estimated)	\$340,000

(1) Priority shall be on shelter service for children not in the custody of the Department of Human Services and shall be an integral part of the department's plan for serving children in need of alternative living arrangements of a short-term nature.

(2) This program shall not fund long term care, but rather emergency care for adolescents.

(3) The Department of Human Services shall be authorized to contract for 3 group homes to be located in southern, central, and eastern Maine to serve as temporary shelter facilities for runaway juveniles prior to return to families or alternative disposition. Each group home shall have a staff qualified to serve youth in crisis.

2. Regional social services

A. Protective Services for Children

	1977-78
Title XX expenditure	\$1,091,250
General fund expenditure	363,750
Available from other sources (estimated)	—
	\$1,455,000

(1) These funds shall be used to fund current operations, 30 additional protective services staff, and 22 additional court intake workers and family crisis workers. Regional and indirect administration are included in the amount above.

(2) The department shall revise its policies and procedures in regard to services for Indian children by negotiating with the Tribal Governors for services to Indians that are relevant to the Indian people and their culture.

B. Protective service for adults

	1977-78
Title XX expenditure	\$262,500
General fund expenditure	87,500
Available from other sources (estimated)	—
	\$350,000

(1) The funds shall fund adult protective services which were legislated in the Revised Statutes, Title 22, chapter 958, but for which appropriations were never allocated. The funds shall be used to staff regional and state offices to better meet the needs for adult and elderly protection. In situations where the issue is prevention of exploitation or injury, protection of the person and his property, or providing the necessities or amenities of life, protective services shall include obtaining the appointment of a public or private guardian for the incapacitated adult.

C. Substitute care for children

	1977-78
Title XX expenditure	\$1,443,750
General fund expenditure	481,250
Available from other sources (estimated)	—
	\$1,925,000

(1) These funds shall be used to fund current operations and 22 additional staff to bring caseloads down to a 1 to 30 ratio, Child Welfare League of America standards, and to provide for increased caseloads as a result of increases in protective service activities. Regional and indirect administration are included in the amount above.

(2) The department shall revise its policies and procedures in regard to services for Indian children by negotiating with the Tribal Governors for services to Indians that are relevant to the Indian people and their culture.

D. Substitute care for adults

	1977-78
Title XX expenditure	\$251,250
General fund expenditure	83,750
Available from other sources (estimated)	—
	\$335,000

(1) These funds shall be used by the department to organize, through the regional offices, and to supervise placements of incapacitated adults and the elderly in protective living arrangements to avoid exploitation and abuse.

3. Bureau of resource development

A. Office of Director; Research, Evaluation and Planning; Volunteer services; and Social services Unit.

	1977-78
Title XX expenditure	\$211,103
General Fund expenditure	70,367
Available from other sources (estimated)	—
	\$281,470

(1) Volunteer services shall be merged with and made a part of the research, evaluation and planning unit, and this unit shall be transferred to the commissioner's office.

(2) In regard to program evaluation:

(a) Evaluation shall have as a central goal an evaluation of the impact of a service on stated Department of Human Services goals stated in contracts and for which purpose the service was purchased.

(b) Service area providers shall be integrally involved in the selection of criteria upon which evaluation will be based.

(c) Prior to implementation of the Human Services Coordination Alliance (HSCA) system for Purchase of Service, it shall be determined by service area whether additional service elements will be necessary

and, if so, what the cost will be initially and on an on-going basis for costing out and reporting on additional elements should they be required by the new system. The resulting plan should include statements about the Department of Human Service's efforts to coordinate Title XX funded services with those provided under other federal funding programs and by other State agencies. Those statements should include a description in the Title XX plan based on HSCA Taxonomy, with those used for the same services by other funding sources and other state agencies.

B. Child standards and licensing

	1977-78
Title XX expenditure	\$75,000
General fund expenditure	25,000
Available from other sources (estimated)	—
	\$100,000

C. Information and referral

	1977-78
Title XX expenditure	\$88,482
General fund expenditure	29,494
Available from other sources (estimated)	—
	\$117,976

(1) Any information and referral costs not covered under the \$117,976 above shall be funded from unexpended balances which may become available from regional social services administered by the Department of Human Services, up to a maximum of \$117,024.

4. Maine Human Services Council

A. Maine Human Services Council

	1977-78
Title XX expenditure	\$77,250
General fund expenditure	25,750
Available from other sources	—
	\$103,000

5. Administration

A. Of the amounts appropriated, allocated and estimated in this section, a sum not to exceed \$599,961 may be allocated by the Department of Human Services for its use for administration as authorized by federal and state law. It is the intent of the Legislature that such sum allocated for administration shall be the minimum amount necessary for the efficient and effective administration of programs funded by this Act.

B. In addition to the administrative actions required by this Act and by other state and federal law, the following shall be done:

(1) The department shall monitor and prepare a monthly report of monthly totals of Title XX allocations, encumbrances, actual expenditures, and the amount of Title XX federal funds claimed, giving a breakdown of figures by regional social services, purchase of service, and service programs. The report shall:

(a) Make a Title XX Financial Status Report projecting annual fiscal year data which permits a comparison of allocations, encumbrances, actual expenditures and Title XX federal claim.

(b) Provide a basis for a monthly determination of whether reallocation of Title XX funds is appropriate subsequent to review and recommendations from the Maine Human Services Council.

(2) The department shall clearly set up contractual services in only 3 accounts by service area, within the Department of Human Services, as follows:

(a) State seed contracts including state homemakers;

(b) Contracts using other state agency expenditures; and

(c) Contracts using community seed dollars;

(d) The Department of Human Services shall adopt a single policy on reimbursement of contractual agencies on each contract under Title XX. The department shall adopt this policy as expeditiously as possible for use with the FY 1977 plan year. The policy shall base reimbursement on terms agreed to in contract negotiations and specified in a contract, and on either unit cost, or line item expenditures, but not both.

(3) All contracts funded by this Act shall contain positive action statements regarding the services the agency will provide to minority groups, clearly spelling out who will be served for what purpose and where they are located. Such statements should be of such specificity that evaluation of compliance is clearly feasible. Contracts should, in part, be evaluated on their implementation of positive action statements. Affirmative action statements should specifically indicate hiring practices for minority groups. The purchase of service reporting system and the MICS system shall identify minority groups served as a separate figure to allow for monitoring of compliance with positive action statements.

(4) A minimum of 14 contract staff shall be employed by the Bureau of Resource Development paid from the Title XX 5% administration account and other resources of the department, to enable the Bureau to more fully carry out the recommendations in this section and of the Child Abuse and Neglect Task Force.

Sec. 2. Federal requirements shall be followed. It is the express intent of the Legislature that provisions of federal laws and regulations governing the use of the funds shall be complied with.

If at any time the commissioner believes that there is a conflict or a potential conflict between this Act and such federal requirements, then he shall in writing and in a timely manner request a written opinion from the Attorney General. Such request shall include, at a minimum:

1. A statement describing such conflict or potential conflict, including citations to the conflicting laws and regulations.

2. A proposed solution to the conflict which will assure compliance with the Federal requirement while complying to the maximum extent possible with this Act.

The Attorney General shall respond in writing and in a timely manner with an opinion which shall include, at a minimum:

1. A legal opinion whether such conflict exists or potentially exists, including a description of the conflict and citations to the conflicting laws and regulations.

2. A solution to the conflict which will assure compliance with the federal requirements while complying to the maximum extent possible with this Act.

The commissioner shall comply with the solution contained in the Attorney General's opinion.

Sec. 3. Notice of additional federal funds potentially available. If at any time the commissioner or Governor are notified of the potential availability to the State of Title XX funds for the current biennium in addition to the amount apportioned by this Act, then the commissioner or Governor shall immediately notify in writing the Legislative Finance Officer of such availability, providing at a minimum the following information:

A. The amount expected to be available;

B. The condition under which the funds may be made available to the State, including requirements as to when they must be expended, programs for which they must be expended, and matching requirements.

Sec. 4. Receipt of additional federal funds. If an award of a grant of federal funds under Title XX in addition to those apportioned by this Act occurs when the Legislature is not in session, then the Governor shall:

A. Issue an order which recognizes the receipt of funds and indicates that they will be allocated as expeditiously as possible and as required by federal law and regulations;

B. Prepare a written plan and budget for the additional funds by the program categories listed in section 2 of this Act, indicating:

(1) Source and amount of matching funds,

(2) Specific purposes of expenditure,

(3) Object of expenditure,

(4) Amount of obligations and expenditures by calendar quarter;

C. Immediately furnish copies of the order and plan and budget to the Legislative Finance Officer.

Sec. 5. Adjustment of funds among programs. The Governor may adjust the allocation or apportionment of funds among the programs listed in section 1 of this Act:

A. As required by changes in federal statute or regulation, including a decrease in the amount of available federal funds;

B. As required by federal matching requirements to compensate for changes in amounts identified in section 1 as available from other sources, including local; or

C. At his own discretion, provided that for the fiscal year 1977-1978 the amount of expenditure for any program shall not be more than 110% nor less than 90% of the "total (estimated)" amount shown for each program in Section 1 of this Act.

The Governor shall immediately notify in writing the Legislative Council, the members of the Joint Standing Committee on Appropriations and Financial Affairs, and Legislative Finance Officer of any such adjustment which he has approved, indicating at a minimum:

A. The reason for the adjustment;

B. The amount and source of the adjusted funds; and

C. The program affected.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

STATEMENT OF FACT

The purpose of this Bill is to assure reasonable overview by the Legislature of the expenditure of federal, state, and other funds for the provisions of social services under programs authorized by Title 20 of the Social Security Act.

The Bill has the following provision:

1. Section 1 allocates and appropriates Federal (Title XX) and State funds to match Title XX, and shows the amount expected to be available from other sources (local and private) for each of the service programs authorized by Title 20 in which this Bill recommends that the State participate. In addition, other expenditure requirements are set out for selected programs.

A summary of Title XX program funding recommended by this Bill is below:

	TOTAL	TITLE 20	STATE FUNDS	OTHER FUNDS
Purchased services	\$11,999,220	\$ 8,999,415	\$ 204,805	\$ 2,795,000
Regional social service	4,065,000	3,048,750	1,016,250	—
Bureau of Resources Development	499,446	374,585	124,861	—
Maine Human Services Council	103,000	77,250	25,750	—
Total	\$16,666,666	\$12,500,000	\$ 1,371,666	\$ 2,795,000

2. Section 2 protects the State from loss of federal funds due to inadvertent non-compliance with federal requirements. This section sets out a procedure to resolve conflicts and potential conflicts between Federal requirements and the provision of this Act.

3. Section 3 requires the Governor to notify the Legislative Finance Officer of the potential availability of Federal Title 20 funds in addition to those apportioned by this Act.

4. Section 4 requires the Governor to notify the Legislative Finance Officer of the award of a grant of Federal funds in addition to those apportioned by this Act.

5. Section 5 permits the Governor to adjust the total federal, state, and other funds spent for any of the programs listed in section 1:

- (a) As required by changes in federal law, including changes in amount of federal funds available to the State;
- (b) To reflect changes in amounts estimated to be forthcoming from sources other than the Federal and State governments; or
- (c) At his own discretion, provided that the total expended for any program is not 10% more or 10% less than the total amount shown in Section 1 for the program.