

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1511

6  
7 S.P. 499

In Senate, April 22, 1983

8 Referred to the Committee on Health and Institutional Services. Sent  
9 down for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Senator Bustin of Kennebec.

Cosponsors: Senator Gill of Cumberland and Representative Melendy of  
11 Rockland.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Require the Department of  
18 Human Services to Conduct Demonstrations of  
19 Adult Day Care and Other Services through  
20 Long-term Care Facilities.  
21

22 Be it enacted by the People of the State of Maine as  
23 follows:

24 Sec. 1. 22 MRSA c. 1505 is enacted to read:

25 CHAPTER 1505

26 ADULT DAY CARE

27 §6201. Legislative intent

28 1. Findings. The Legislature finds that:

29 A. Many adults with long-term care needs who are  
30 at risk of institutionalization are in need of  
31 the range of health and related services that can

1 be provided more efficiently in an adult day care  
2 program within a long-term health care facility;

3 B. Many spouses and families attempting to care  
4 for adults with long-term care needs who are at  
5 risk of placement in an institutional setting are  
6 in need of assistance for extended hours on a  
7 regular basis;

8 C. For many adults with long-term care needs, it  
9 may be less costly for the State to provide adult  
10 day care to supplement the care provided by the  
11 family than to provide 24-hour long-term care in  
12 institutional settings;

13 D. The involvement of intermediate and skilled  
14 nursing homes in the provision of adult day care  
15 and other home care services has never been  
16 available as a state program in Maine as an  
17 option to institutionalization; and

18 E. Long-term health related care facilities  
19 located in several communities throughout the  
20 State have staff and facilities trained and  
21 uniquely suited to respond to the needs of long-  
22 term care clients receiving at-home care.

23 2. Policy. The Legislature declares that it is  
24 the policy of this State:

25 A. To study the utilization and cost effective-  
26 ness of adult day care in long-term health care  
27 settings;

28 B. To determine whether the systems of in-home  
29 services can be enhanced by utilizing the  
30 resources available through long-term care facil-  
31 ities;

32 C. To assure that the recipients of adult day  
33 care and in-home services from long-term health  
34 related care facilities, pursuant to this chap-  
35 ter, are the elderly and disabled adults who are  
36 at the greatest risk of being placed, or who have  
37 already been placed, in a long-term care institu-  
38 tional setting;

1 D. To conduct a limited number of demonstrations  
2 under this chapter, with no less than one in each  
3 of the 5 department regions in the State; and

4 E. To develop payment policies for long-term  
5 care facilities that will allow fair and equi-  
6 table payments for services provided pursuant to  
7 this chapter.

8 §6202. Definitions

9 As used in this chapter, unless the context  
10 otherwise indicates, the following terms have the  
11 following meanings.

12 1. Adult day care. "Adult day care" means an  
13 ongoing program of health, social, maintenance and  
14 rehabilitative services available for at least 6  
15 hours for 5 days a week to persons needing this level  
16 of service, as determined by an assessment of their  
17 functional abilities, health and medical needs and  
18 need for services.

19 2. Adults with long-term care needs. "Adults  
20 with long-term care needs" means adults who have  
21 physical or mental limitations which restrict their  
22 ability to carry out activities of daily living and  
23 impede their ability to live independently, or who  
24 are at risk of being placed, or who already have been  
25 placed in an institutional setting.

26 3. Agreement. "Agreement" means a contract,  
27 grant or other method of payment.

28 4. Demonstrations. "Demonstrations" means the  
29 provision of certain unique services and the gather-  
30 ing of data as part of an approved program for a  
31 limited period of time.

32 5. Department. "Department" means the Depart-  
33 ment of Human Services.

34 6. In-home services. "In-home services" means  
35 health and other assistance available to residents of  
36 the long-term health care facilities required to  
37 enable adults with long-term care needs to remain in  
38 their places of residence.

1           7. Long-term health care facilities. "Long-term  
2 health care facilities" means intermediate care and  
3 skilled nursing facilities and units, licensed pur-  
4 suant to chapter 405.

5           §6203. Rules; agreements

6           1. Rules. The department shall promulgate such  
7 rules as may be necessary for the effective adminis-  
8 tration of adult day care and other services through  
9 long-term health care facilities pursuant to this  
10 chapter, in accordance with the Maine Administrative  
11 Procedure Act, Title 5, chapter 375. In the develop-  
12 ment of these rules, the department shall consult  
13 with the associations representing long-term health  
14 care facilities and with area agencies on aging.

15           2. Agreements. In order to provide adult day  
16 care and other services, the department and the  
17 Bureau of Maine's Elderly may enter into agreements  
18 with long-term health care facilities, separate and  
19 distinct from any other agreements between the  
20 department and the same facility.

21 Any facility participating in this demonstration  
22 shall enter into an agreement with the department.  
23 Each agreement shall specify, among other things, the  
24 services to be provided, the charges for services,  
25 the method of payment, records to be maintained and  
26 the provisions for evaluating the services provided.

27           §6204. Sites; other services

28           1. Adult day care. Thirty-two individuals may  
29 be served in adult day care during the demonstration.  
30 The Bureau of Maine's Elderly shall establish cri-  
31 teria for making awards for adult day care, with  
32 provisions to allow adult day care demonstrations in  
33 each of the 5 regions of the State.

34           2. Other services through long-term health care  
35 facilities. Twenty percent of any funds made avail-  
36 able pursuant to this chapter shall be set aside to  
37 purchase in-home services from long-term health care  
38 facilities.

39           §6205. Fees

1           1. Adult day care. The provider shall charge  
2 fees based upon a measurable unit of service, full  
3 day, half day or hourly rate. The department shall  
4 remit a standard flat rate subsidy to the provider  
5 for each unit of service. The provider may collect  
6 copayments from the client or the financially respon-  
7 sible party which are equal to the differential  
8 between the charges and the departmental subsidy.

9           2. Other services. Fees for other services  
10 shall be determined in contractual agreements between  
11 the long-term care facility and the area agency on  
12 aging and in accordance with procedures established  
13 by the department.

14       §6206. Eligibility

15           An adult with long-term care needs is eligible  
16 for adult day care or other services through long-  
17 term care facilities under this chapter when:

18           A. The adult has been assessed by an area agency  
19 on aging using a functional assessment form  
20 approved by the department and determined to be  
21 at risk of institutionalization in a skilled  
22 nursing or intermediate-care facility;

23           B. A care plan which has been developed by a  
24 multidisciplinary team, including at least one  
25 social services professional, one health care  
26 professional, the adult with long-term care needs  
27 and a family representative, if possible, indi-  
28 cates the needs for these services;

29           C. The adult has insufficient personal income to  
30 cover the cost of these services, as well as  
31 other needed support services; and

32           D. The cost of these and other services needed  
33 to maintain the adult at home shall not exceed  
34 the average cost to the State of nursing home  
35 care.

36           Eligibility shall be redetermined no less often  
37 than every 3 months, and sooner if the adult's condi-  
38 tion changes significantly.

1     §6207. Payment

2           1. Establishing costs. The department shall  
3 establish a method to permit long-term care facili-  
4 ties to allocate costs for services provided within  
5 the facilities and by the staff of facilities pur-  
6 suant to this subtitle. The allocation method shall  
7 provide a fair and reasonable method to compensate  
8 providers for services and to identify costs for pur-  
9 poses of this demonstration. Incremental cost  
10 methods or discrete costing shall be used when possi-  
11 ble.

12           2. Payment method. The method of payment shall  
13 be as follows.

14           A. Bills for adult day care shall be submitted  
15 by providers directly to the department for  
16 approval for payment. Certification of client  
17 eligibility and need for services by the regional  
18 area agency on aging, on a form approved by the  
19 department, shall accompany the first billing,  
20 and the billing every 3 months thereafter.

21           B. All other services through long-term care  
22 facilities shall be arranged with the area agen-  
23 cies on aging and shall be prior approved for up  
24 to 3 months by the department. Providers shall  
25 bill area agencies on aging for services pro-  
26 vided, with the area agencies on aging reimbursed  
27 in accordance with established procedures.

28     §6208. Report

29           Prior to January 31, 1985, the commissioner shall  
30 submit a report of the findings of this demonstration  
31 to the joint standing committee of the Legislature  
32 having jurisdiction over appropriations and financial  
33 affairs and the joint standing committee of the  
34 Legislature having jurisdiction over health and  
35 institutional services.

36           Sec. 2. Appropriation. Any funds made available  
37 under this subtitle and not expended as allocated in  
38 the first year of the biennium shall be carried for-  
39 ward to the 2nd year. The following funds are appro-  
40 riated from the General Fund to carry out the pur-  
41 poses of this Act.

