

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1313

6
7 S.P. 485

In Senate, April 16, 1985

8 Referred to the Committee on Human Resources. Sent down for
9 concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

11 Cosponsored by Representative Murray of Bangor, Representative Taylor
of Camden and Senator Bustin of Kennebec.

12 STATE OF MAINE
13

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

17 AN ACT Requiring the Department of Human
18 Services to Provide Medicaid Funded
19 Consumer Directed Personal Care
20 Assistance.
21

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

24 Sec. 1. 22 MRSA §7341, as enacted by PL 1981, c.
25 511, §1, is amended to read:

26 §7341. Program established

27 The department shall establish a program of per-
28 sonal care assistance services, including
29 consumer-directed personal care assistance services,
30 for adults with long-term care needs who are eligible
31 under section 7342. The department shall, in addi-
32 tion, offer these services pursuant to and in con-
33 formity with the provisions of the United States So-
34 cial Security Act, Public Law 89-97.

1 Sec. 2. 22 MRSA §7342, as enacted by PL 1981, c.
2 511, §1, is amended to read:

3 §7342. Eligibility

4 An adult with long-term care needs is eligible
5 for personal care assistance services provided pursuant
6 to Title XIX of the United States Social Security
7 Act if that individual is eligible for supplemental
8 security income payments on account of disability under
9 the United States Social Security Act. An adult
10 with long-term care needs is eligible for personal
11 care assistance services provided through programs
12 established and funded by the State under this chapter,
13 if the department or its designee determines
14 that the adult:

15 1. Severe physical disability. Has a severe
16 physical disability;

17 2. Need for services. Has a need for not less
18 than 14 nor more than 35 hours a week of personal
19 care assistance services or for an attendant at
20 night, which services are necessary to prevent or re-
21 move the adult from inappropriate placement in an in-
22 stitutional setting; and

23 3. Income and support. Has no or insufficient
24 personal income or other support from public ser-
25 vices, family members and neighbors.

1

STATEMENT OF FACT

2 Consumer directed personal care assistance may be
3 paid for as an optional service by Medicaid. Massa-
4 chusetts has provided personal care assistance ser-
5 vices in this manner since 1976. In contrast, Maine
6 has made these services available primarily through
7 the Home Base Care Act, which is funded solely by
8 state money at a level that is unable to meet current
9 need. Presently, a Medicaid waiver is pending ap-
10 proval which provides relief in assisting physically
11 or developmentally disabled adults to acquire these
12 life support services.

13 In light of the increasing difficulty in obtain-
14 ing approval for Medicaid waivers at the federal lev-
15 el and given that the Governor's proposed budget con-
16 tains no money for these services in the Home Based
17 Care Act, this bill requires the Department of Human
18 Services to offer these as an option, as it may under
19 existing rules and regulations.

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