

MAINE STATE LEGISLATURE

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L.D. 2327

(Filing No. H- 691)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1694, L.D. 2327,
Bill, "AN ACT to Promote the Creation and Expansion of
Independant Living Opportunities for Maine's Citizens
with Disabilities."

Amend the bill by striking out everything after
the enacting clause and inserting in its place the
following:

'Sec. 1. 5 MRSA c. 331 is enacted to read:

CHAPTER 331

CITIZENS' COMMISSION ON INDEPENDENT LIVING

§4001. Members

The Citizens' Commission on Independent Living,
established by section 12004, subsection 8, shall be
an independent commission of 12 members. A majority
of the members shall be disabled or elderly persons.
The members shall represent geographical diversity and
a variety of disabilities. The members shall be
appointed by the Governor, who shall designate one
member to be the chairman.

§4002. Terms of office

The members of the commission shall be appointed
for staggered terms of 4 years each, except that, of

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1 those first appointed, the Governor shall appoint 3
2 members for a term of one year, 3 for terms of 2
3 years, 3 for terms of 3 years and 3 for terms of 4
4 years.

5 §4003. Quorum

6 Seven members of the commission shall constitute a
7 quorum. A vacancy on the commission shall not impair
8 the power of the remaining members to exercise all the
9 powers of the commission.

10 §4004. Compensation; reappointment

11 Each member of the commission shall be compensated
12 as provided in chapter 379. All members of the
13 commission shall be eligible for reappointment.

14 §4005. Removal from office

15 Any member of the commission may be removed by the
16 Governor for inefficiency, neglect of duty, misconduct
17 or malfeasance in office, after being given a written
18 statement of the charges.

19 §4006. Duties of commission

20 The commission shall develop policy on programs
21 affecting the State's citizens with disabilities. The
22 commission shall be a consumer-oriented body and shall
23 make recommendations on existing programs which
24 enhance and support independent living opportunities
25 for Maine's citizens with disabilities. The
26 commission shall make recommendations to the
27 Commissioner of Human Services for appointments to the
28 Home-Based Care Advisory Committee. The commission
29 shall support consumer activities, pursue developing
30 new resources and act as a clearinghouse for existing
31 information. The commission shall promote the
32 principles of self-determination. To carry out these
33 duties, the commission may:

34 1. Office. Establish and maintain a principal
35 office and such other offices within the State as it
36 determines necessary;

37 2. Meetings. Meet and function at any place
38 within the State and hold public forums statewide at

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1 least annually to solicit input and involvement from
2 citizens with disabilities;

3 3. Services. Utilize voluntary and compensated
4 services of private individuals and organizations as
5 may from time to time be offered and needed;

6 4. Advisory groups. Create such advisory
7 agencies and councils, local or statewide, as will aid
8 in effectuating the purposes of this chapter;

9 5. Rules. Adopt rules to carry out the purpose
10 of this chapter, in accordance with the Maine
11 Administrative Procedure Act, chapter 375, subchapter
12 II;

13 6. Appearance. Appear in court and before other
14 administrative bodies;

15 7. Notices and forms. Require the posting of
16 notices or other adoption of forms by businesses
17 subject to this chapter, to carry out the purposes of
18 this chapter;

19 8. Publications. Issue such publications and
20 such results of investigations and research as in its
21 judgment will tend to promote independent living;

22 9. Reports. At least each biennium, report to
23 the Legislature and the Governor describing the
24 current issues related to independent living and make
25 recommendations for any further legislation or
26 executive action concerning independent living; and

27 10. Other acts. Do such things as are set out in
28 the other subchapters and everything reasonably
29 necessary to perform its duties under this chapter.

30 §4007. Central information system

31 The commission shall coordinate a central
32 information system as follows.

33 1. Central information system. The commission
34 shall provide for a central information system.

35 2. Single-entry point of information. The

1 commission shall oversee a study to determine the
2 feasibility of streamlining the application process
3 for disabled citizens applying for federal or state
4 services.

5 §4008. Insurance oversight

6 1. Medicaid buy-in program. The commission in
7 conjunction with the Bureau of Medical Services shall
8 create and oversee a Medicaid buy-in program. The
9 commission shall at all times ensure that persons with
10 disabilities have access to affordable and adequate
11 health care.

12 §4009. Adaptive equipment loan

13 The commission shall work closely with the Finance
14 Authority of Maine to make loans available to persons
15 with disabilities and other state agencies responsible
16 for funding, providing or coordinating the provisions
17 for adaptive equipment for persons with disabilities.

18 §4010. Housing initiatives

19 The commission shall encourage and support housing
20 initiatives for disabled persons.

21 1. Program established. The commission shall
22 work with the Maine State Housing Authority to
23 establish a program on housing initiatives on a
24 permanent basis.

25 2. Construct accessible housing. The Maine State
26 Housing Authority shall create guidelines to encourage
27 the construction of housing which is accessible to
28 disabled persons.

29 3. Assistance in remodeling homes. The
30 commission will explore a variety of resources,
31 including the Maine Vocational-Technical Institute
32 System, to assist disabled persons to modify their
33 homes.

34 §4011. Personal care assistance service

35 The commission shall ensure that sufficient
36 personal care assistance services exist. In carrying

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1 out this duty, the commission shall:

2 1. Expand the home-based care laws. Consider ways
3 in which to expand the home-based care laws and report
4 its findings along with any necessary legislation to
5 the Legislature on a regular basis;

6 2. Investigate comparable legislation.
7 Investigate other states' comparable legislation;

8 3. Work with Human Resource Development Council.
9 Work with the Human Resource Development Council to
10 study and implement strategies; and

11 4. Care for mentally ill. Ensure that there
12 exists sufficient personnel and funding so that
13 persons with mental illness may receive sufficient
14 personal care assistance.

15 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶ (14-A)
16 is enacted to read:

17 (14-A) Human Citizens' Expenses 5 MRSA
18 Services Commission on Only §4001
19 Independent
20 Living

21 Sec. 3. 5 MRSA §12004, sub-§10, ¶A, sub-¶
22 (36-B) is enacted to read:

23 (36-B) Human Home-Based Expenses 22 MRSA
24 Services: Care Advisory Only §7345
25 Home-
26 Based
27 Care
Committee

28 Sec. 4. 22 MRSA §7302, sub-§10, as enacted by
29 PL 1981, c. 511, §1, is repealed and the following
30 enacted in its place:

31 10. Severe disability. "Severe disability" means
32 a disability which results in persons having severe,
33 chronic physical, sensory or cognitive limitations
34 which restrict their ability to carry out the normal
35 activities of daily living and to live independently.

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1 Sec. 5. 22 MRSA §7342, sub-§1 and 2, as
2 enacted by PL 1981, c. 511, §1, are repealed and the
3 following enacted in their place:

4 1. Severe disability. Has a severe disability;

5 2. Need for services. Has a need for personal
6 care assistance services or for an attendant at night,
7 or both, which services are necessary to prevent or
8 remove the adult from inappropriate placement in an
9 institutional setting; and

10 Sec. 6. 22 MRSA §7343, sub-§4, ¶¶A to C, as
11 enacted by PL 1981, c. 511, §1, are amended to read:

12 A. Personal health management to maximize
13 personal well-being in relation to the adult's
14 disability, provided by a registered nurse or
15 other qualified person experienced in the
16 rehabilitation of the severely physically
17 disabled, including all aspects of prevention,
18 maintenance and treatment techniques;

19 B. Personal care assistant management, provided
20 by a registered nurse experienced in the
21 rehabilitation of the severely physically
22 disabled, including training in recruiting, hiring
23 and managing a personal care assistant;
24 scheduling; potential problems; and

25 C. Functional skills required to maximize the
26 adult's abilities in activities of daily living,
27 provided by a registered occupational therapist
28 experienced in the rehabilitation of the
29 severely physically disabled.

30 Sec. 7. 22 MRSA §§7344 and 7345 are enacted to
31 read:

32 §7344. Register

33 The following registers shall be maintained.

34 1. Personal care assistance. The commissioner
35 shall provide for the establishment and periodic
36 update of a register of persons available to provide

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1 personal care assistance services. The list shall be
2 developed through an advertising campaign conducted
3 throughout the State and other means. Names submitted
4 for the list shall receive a general check of
5 references. If the references are acceptable, the
6 names shall be included on the register and arranged
7 by geographical area.

8 2. Adults needing personal care assistance. The
9 commissioner shall provide for the establishment and
10 periodic update of a list of adults with long-term
11 care needs who are eligible for personal care
12 assistance services.

13 3. Emergency system. The Citizens' Commission on
14 Independent Living established in Title 5, chapter
15 331, shall work with the Home-Based Care Advisory
16 Committee established in section 7345 to create and
17 develop a system of referral to handle emergency
18 personal care assistance service needs on a
19 24-hour-a-day basis.

20 §7345. Home-Based Care Advisory Committee

21 There is created the Home-Based Care Advisory
22 Committee to advise the Governor, the Legislature and
23 agencies administering personal care assistance
24 services for adults with long-term care needs.

25 1. Membership. The advisory committee shall
26 consist of at least 17 members as follows:

27 A. Eleven severely disabled adults and elderly
28 persons who utilize personal care assistance
29 services;

30 B. One advocate who normally provides advocacy
31 services covering adults with long-term care needs;

32 C. Two providers of personal care assistance
33 services; and

34 D. One representative each from the bureaus or
35 departments responsible for administering personal
36 care assistance services for adults with long-term
37 care needs.

38 2. Appointment; terms. All appointments shall be

1 made by the commissioner who shall give consideration
2 to recommendations made by the Citizens' Commission on
3 Independent Living. The terms shall be for 3 years,
4 except that the initial appointments shall be
5 staggered as follows: Three adult or elderly users of
6 personal care assistants, one provider of personal
7 care assistance services and at least one agency
8 representative shall be appointed for one year; 4
9 adult or elderly users of personal care assistants,
10 one provider of personal care assistance services and
11 at least one agency representative shall be appointed
12 for 2 years; and 4 adult or elderly users of personal
13 care assistants, the advocate and at least one agency
14 representative shall be appointed for 3 years.
15 Members appointed to fill vacancies in existing terms
16 shall be appointed for the remainder of the expired
17 term. Members may be reappointed.

18 3. Staff. Staff work for the advisory committee
19 shall be provided by individuals or agencies
20 independent of the department and agencies providing
21 personal care assistance services.

22 4. Expenses. Members of the advisory committee
23 shall be compensated for their expenses reasonably
24 incurred in carrying out their responsibilities under
25 this section.

26 5. Duties. The duties of the advisory committee
27 shall be to:

28 A. Monitor and evaluate the provision of
29 home-based care to severely disabled adults under
30 this chapter;

31 B. Periodically hold public hearings at regional
32 sites across the State to hear comments from
33 severely disabled adults eligible for personal
34 care assistance on the availability and quality of
35 those services;

36 C. Biennially, beginning in 1988, prepare an
37 evaluation of the provision of home-based care to
38 severely disabled adults and submit a report of
39 its evaluation to the Governor, The Citizens'
40 Commission on Independent Living and the
41 Legislature in January of the following year;

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1 D. Disseminate information on the home-based care
2 program and services available; and

3 E. Work with the Legislature to expand the
4 home-based care law to make available personal
5 assistance services to elderly and disabled
6 persons whose needs are currently unmet. Funds to
7 support the expansion of these services should be
8 derived through an annual appropriation computed
9 by a formula that takes into consideration the
10 size of the State's population, a competitive
11 hourly wage and benefit system for personal
12 assistants, the average number of hours of
13 personal assistance services required by
14 individuals in need and the cost of administering
15 these services at the community level.

16 **Sec. 8. Commission to review statutes.** The
17 Citizens' Commission on Independent Living shall
18 review the Maine Revised Statutes and consider ways to
19 strengthen Title 25, and all other laws pertaining to
20 disabled persons. If a consolidation or
21 recodification of Title 25 and other laws is
22 warranted, the commission shall submit its
23 recommendations and appropriate enabling legislation
24 to the Second Regular Session of the 114th Legislature
25 by January 15, 1990.

26 **Sec. 9. Personal care assistants; wages,**
27 **benefits and overnight pay.** The Bureau of
28 Rehabilitation, in establishing and administering a
29 program of personal care assistance services for
30 severely disabled adults, shall expand its present
31 program to serve an additional 20 new consumers and
32 shall provide through contract with providers of
33 in-home personal care assistance for an average
34 compensation rate of \$7 an hour for personal care
35 assistants, payment of \$12 each night for each client
36 to overnight attendants and the establishment of a pro
37 rata group benefits package, not to exceed \$1,000 for
38 each personal care attendant, including health
39 insurance, vacation and sick leave for personal care
40 assistants. In overseeing the use of funds for
41 increased wages of personal care assistance workers,
42 the Bureau of Rehabilitation shall take into account
43 regional variations in the cost of living and
44 competitive wage rates across the State.

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1 eligible for Medicaid,
2 \$376,192; to establish
3 services for
4 cognitively impaired
5 or sensory impaired
6 persons, \$500,000; and
7 to provide services to
8 mentally ill persons,
9 \$250,000.

10 Medical Care - Payments to
11 Providers

12 All Other \$612,866

13 Provides funds to
14 allow 70 disabled
15 persons to purchase
16 Medicaid based on a
17 sliding fee scale,
18 \$133,040; and expand
19 Medicaid program to
20 extend personal care
21 benefits to
22 approximately 70 new
23 clients, \$479,826.

24 Bureau of Medical Services

25 Positions (1)
26 Personal Services \$25,318
27 All Other 1,500
28 Capital Expenditures 500

29
30 Total \$27,318

31 Provides for one
32 position to administer
33 Medicaid buy-in
34 program.

35
36 TOTAL \$2,775,832

37 Sec. 13. Allocation. The following funds are

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1	allocated from Federal Funds to carry out the purposes	
2	of this Act.	
3		<u>1988-89</u>
4	<u>HUMAN SERVICES,</u>	
5	<u>DEPARTMENT OF</u>	
6	Medical Care Payments	
7	to Providers	
8	All Other	\$1,246,614
9	Allocates federal	
10	Medicaid matching	
11	funds for personal	
12	care assistance	
13	services program.	
14	Bureau of Medical Services	
15	Positions	(1)
16	Personal Services	\$18,554
17	All Other	1,500
18	Capital Expenditures	500
19		
20	Total	<u>\$20,554</u>
21	Allocates funds for a	
22	clerical position for	
23	Medicaid buy-in	
24	program.	
25		
26	TOTAL	<u>\$1,267,168</u>

27 FISCAL NOTE

28 The funding of the Citizens' Commission on
29 Independent Living and the Home-Based Care Advisory
30 Committee was based on the assumption that staff
31 support and overhead would be provided by the agencies
32 administering personal care services. The \$761,456
33 requested to increase day and evening wages for

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1 personal care assistants is in addition to the
2 \$969,840 currently in the home-based care accounts.'

3 STATEMENT OF FACT

4 This amendment funds the expansion of the
5 home-based care and Medicaid programs for disabled
6 persons and creates one commission and one committee
7 to review existing services and recommend new or
8 expanded services for disabled persons.

9 5513041288

Reported by the Committee on Appropriations and Financial Affairs
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