

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 165

S.P. 110

In Senate, February 14, 1989

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOULD of Waldo.
Cosponsored by Senator BERUBE of Androscoggin, Representative AULT of Wayne and Representative BOUTILIER of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Provide Adult Day Care Through Long-term Care Facilities and
Other Community Sites.**



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 22 MRSA §6201**, as enacted by PL 1983, c. 545, §1, is
5 amended to read:

7 **§6201. Legislative intent**

9 **1. Findings.** The Legislature finds that:

11 A. Many adults with long-term care needs who are at risk of
13 institutionalization are in need of the range of health and
15 related services that can be provided more efficiently in an
17 adult day care program within a long-term health care
19 facility or at another community site;

21 B. Many spouses and families ~~attempting to care, who are~~
23 caring for adults with long-term care needs who are at risk
25 of placement in an institutional setting, are in need of
27 assistance for extended hours on a regular or respite basis;

29 C. For many adults with long-term care needs, it may be
31 less costly for the State to provide adult day care to
33 supplement the care provided by the family than to provide
35 24-hour long-term care in institutional settings; and

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

39 E. Long-term health related care facilities and other
41 community-based programs located in ~~several communities~~
43 throughout the State have ~~staff and facilities trained and~~
45 uniquely suited to could respond to the adult day care needs
47 of long-term care clients receiving at home care individuals
49 and their families.

51 **2. Policy.** The Legislature declares that it is the policy
of this State:

A. ~~To study the utilization and cost effectiveness of adult
day care in long-term health care settings;~~

B. To determine ~~whether~~ enhance the systems of in-home
services ~~can be enhanced~~ by utilizing the resources
available through long-term care facilities and
community-based programs;

C. To assure that the recipients of adult day care and
in-home services from long-term health ~~related~~ care
facilities and other community-based programs, pursuant to
this chapter, are the elderly and disabled adults who are at

1 the greatest risk of being placed, ~~or who have already been~~
2 placed, in a long-term care institutional setting;

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

7
8 E. To develop payment policies for long-term care
9 facilities and community-based programs that will allow fair
10 and equitable payments for services provided pursuant to
11 this chapter, ; and

12
13 F. To establish a permanent program of adult day care, to
14 be provided through both long-term care facilities and in
15 community-based programs.

16
17 **Sec. 2. 22 MRSA §6202, sub-§1,** as enacted by PL 1983, c. 545,
18 §1, is amended to read:

19
20 1. Adult day care. "Adult day care" means an ongoing
21 program of health, social, maintenance and rehabilitative
22 services available ~~for at least 6 hours for 5 days a week~~ to
23 persons needing this level of service, as determined by an
24 assessment of their functional abilities, and need for health and
25 medical needs and need for social services.

26
27 **Sec. 3. 22 MRSA §6202, sub-§4,** as enacted by PL 1983, c. 545,
28 §1, is repealed.

29
30
31 **Sec. 4. 22 MRSA §6202, sub-§4-A** is enacted to read:

32
33 4-A. Community-based program. "Community-based program"
34 means a program of adult day care offered outside of a long-term
35 health care facility and which meets the licensing and program
36 standards of the Department of Human Services.

37
38
39 **Sec. 5. 22 MRSA §6202, sub-§5,** as enacted by PL 1983, c. 545,
40 §1, is amended to read:

41
42 5. Department. "Department" means the Department of Human
43 Services through its Bureau of Maine's Elderly.

44
45 **Sec. 6. 22 MRSA §6202, sub-§6,** as enacted by PL 1983, c. 545,
46 §1, is repealed.

47
48 **Sec. 7. 22 MRSA §6202, sub-§6-A** is enacted to read:

49
50 6-A. Licensed adult day care program. A "licensed adult
51 day care program" means a program of adult day care which has
been licensed by the Department of Human Services according to
section 8602.

1 **Sec. 8. 22 MRSA §6202, sub-§8** is enacted to read:

3 8. Provider. "Provider" means any facility or program
5 which meets the licensing and program standards of the department.

7 **Sec. 9. 22 MRSA §6203**, as enacted by PL 1983, c. 545, §1, is
9 amended to read:

11 **§6203. Rules; agreements**

13 1. Rules. The department shall promulgate such rules as may
15 be necessary for the effective administration of adult day care
17 ~~and other services through long term health care facilities~~
19 pursuant to this chapter, in accordance with the Maine
21 Administrative Procedure Act, Title 5, chapter 375. In the
23 development of these rules, the department shall consult with the
25 ~~associations representing long term health~~ Maine Committee on
27 Aging, the associations representing care facilities and with
area agencies on aging.

29 2. Agreements. In order to provide adult day care and other
31 services, the department ~~and the Bureau of Maine's Elderly~~ may
33 enter into agreements with long-term health care facilities and
35 community-based programs, separate and distinct from any other
agreements between the department and the same facility or
programs.

37 Any facility ~~participating in this demonstration~~ or program
39 providing adult day care pursuant to this chapter shall enter
41 into an agreement with the department. Each agreement shall
43 specify, among other things, the services to be provided, the
45 fees for services, the method of payment, records to be
47 maintained and the provisions for evaluating the services
49 provided.

51 **Sec. 10. 22 MRSA §§6204, 6205, 6206 and 6207**, as enacted by PL
1983, c. 545, §1, are repealed.

Sec. 11. 22 MRSA §6208, as enacted by PL 1983, c. 545, §1, is
repealed and the following enacted in its place:

§6208. Report

A report of services provided pursuant to this chapter shall
be included in the annual Maine Social Services Report.

Sec. 12. 22 MRSA §6209 is enacted to read:

§6209. Funds

1 1. Distribution. The department shall disburse funds,
3 pursuant to this Subtitle, in a manner that ensures, to the
5 extent practicable, equitable distribution of services among
 adults with long-term care needs and the various regions of the
 State.

7 2. Fee scale. The department shall develop, wherever
9 practicable, sliding fee scales for adult day care services
 provided pursuant to this Subtitle.

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STATEMENT OF FACT

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The first adult day care law, which enacted the Maine Revised Statutes, Title 22, chapter 1505, was passed 6 years ago and provided funds for 5 demonstration programs in nursing homes to examine the efficiency of this care option.

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After several years of positive experience with institutional adult day care programs, this service has been shown to be an effective and compassionate means of caring for adults with long-term care needs and providing family care givers with much needed respite. Adult day care services, however, are not sufficiently available in all areas of the State.

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This bill will allow an expanded variety of providers access to these funds and will be a significant step in encouraging the development of this important resource in both unserved and underserved areas of the State.