

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2285

H.P. 1652

House of Representatives, February 6, 1990

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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HEPBURN of Skowhegan.
Cosponsored by Senator RANDALL of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Laws Pertaining to Preadmission Assessment.



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

2
4 Sec. 1. 22 MRSA §3273, sub-§3, ¶A, as enacted by PL 1973, c. 790, §3, is amended to read:

6 A. If an agreement cannot include payment levels and
8 variations thereof to provide the an individual, eligible
10 pursuant to section 7910, sufficient income to meet the
12 monthly per resident payment rate for boarding home care, as
14 established pursuant to rules promulgated by the department,
16 the department shall take any and all reasonable action
18 necessary to the goal of achieving, within a reasonable
20 time, a payment structure for each boarding home that will
22 permit execution of an agreement with the secretary for
24 administration of all state supplemental income benefits.

26 Sec. 2. 22 MRSA §7910, as enacted by PL 1983, c. 844, §1, is
28 repealed and the following enacted in its place:

30 §7910. Preadmission assessment and annual review for
32 residents who receive state assistance in
34 cost-reimbursed boarding homes; rules

36 The department may require every individual who applies for
38 assistance for a portion of the costs of adult boarding care, and
40 who is referred to or otherwise seeks admission to a
42 cost-reimbursed boarding home, to have an assessment performed
44 prior to admission to determine the need for boarding home
46 services. The department may require the applicant to have this
48 assessment recorded on forms approved by the department. The
50 department may establish criteria to assess the need for boarding
52 home services, and may determine if each applicant meets the
 established criteria prior to placement and on at least an annual
 basis thereafter. The department may limit reimbursement to
 cost-reimbursed boarding homes for those individuals who have
 been determined eligible for boarding home services, unless the
 individual was receiving boarding home assistance prior to the
 effective date of this section.

The department may, pursuant to the Maine Administrative
 Procedure Act, Title 5, chapter 375, adopt reasonable rules to
 carry out the purposes of this section.

STATEMENT OF FACT

 The Maine Revised Statutes, Title 22, section 7910 mandates
 preadmission assessments and plans of care for those residents
 who receive state assistance and are being admitted to adult
 boarding homes and foster homes. Under current law, the
 Department of Human Services cannot deny payment to residents who
 are determined not to need these services. The purpose of

2 this bill is to allow the department to approve or deny an
individual's eligibility for services in cost-reimbursed boarding
4 homes based on an assessment of the individual's needs, both
prior to placement and on an annual basis thereafter.

6 The bill removes the assessment and care planning
requirement for foster homes and flat rate boarding homes.

8
10 The bill also removes the requirement that the department
develop an intake and referral system to refer persons seeking
admission to an agency for assessment and development of a plan
12 of care. Funds required by the department to implement this
system were deappropriated.

14
16 Finally, the bill deletes a requirement for the Department
of Human Services and the Department of Mental Health and Mental
Retardation to report biennially to the joint standing committee
18 of the Legislature having jurisdiction over health and
institutional services on the intake and referral system,
20 appropriateness of placements and the identified service needs.