

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1481

H.P. 1013

House of Representatives, April 10, 1991

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 RYDELL of Brunswick.

Cosponsored by Senator CONLEY of Cumberland, Representative CARROLL of Gray and Representative DUPLESSIS of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Facilitate the Delivery of Family Support Services.

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

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Sec. 1. 5 MRSA §12004-I, sub-§§59-B and 59-C are enacted to read:

<u>59-B.</u>	<u>Regional Family Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health Support Councils Only</u>		<u>\$1804</u>
<u>and Mental Retardation</u>		

<u>59-C.</u>	<u>Maine Family Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health Support Council Only</u>		<u>\$1805</u>
<u>and Mental Retardation</u>		

Sec. 2. 34-B MRSA c.1, sub-c. V is enacted to read:

SUBCHAPTER V

FAMILY SUPPORT SERVICES

§1801. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Crisis intervention. "Crisis intervention" means an unplanned and temporary service necessary to alleviate a crisis and preserve the living arrangements of a person who receives services from the department.

2. Family support services. "Family support services" means services that enable a family, which is otherwise eligible to receive services from the department, to maintain and care for its minor or adult member at home. Family support services include but are not limited to the following:

A. Dental and medical care;

B. Respite care;

C. Recreation and leisure activities;

D. Homemaker services;

E. Transportation;

F. Personal assistance services;

G. Home health services;

- 2 H. Therapeutic and nursing services;
4 I. Home and vehicle modifications;
6 J. Equipment and supplies;
8 K. Family counseling services;
10 L. Communication services;
12 M. Crisis intervention;
14 N. Specialized utility costs;
16 O. Integrated child care;
18 P. Specialized diagnosis and evaluation;
20 Q. Specialized nutrition and clothing;
22 R. Family education and training;
24 S. Service coordination;
26 T. Information services;
28 U. Assistive technology; and
30 V. Permanency planning.

32 3. Office. "Office" means the Office of Family Support
34 established under section 1803.

36 4. Respite care. "Respite care" means a temporary service
38 that provides a respite to a family in a planned and predictable
40 manner. Respite care may include but is not limited to bringing
42 outside caretakers into the home and bringing a child outside the
44 home for services.

46 5. Service coordination. "Service coordination" means a
48 lifelong, goal-oriented process for coordination of the range of
50 services needed and wanted by persons with disabilities and their
 families.

6. Therapeutic services. "Therapeutic services" means
 occupational, physical, speech and language, respiratory, and
 vision therapy, counseling and other therapies to increase,
 maintain or improve the functional capabilities of persons with
 disabilities.

2 **§1802. Principles of family support**

4 The department shall provide family support services in
6 accordance with the following principles.

8 1. Importance of family setting and home care. Children,
10 regardless of the type or severity of their disabilities, belong
12 with and do best with families. Accordingly, families should
14 receive whatever support is necessary to care for their family
16 members with disabilities at home.

18 2. Focus on whole family. Family support must focus on the
20 needs of the entire family.

22 3. Flexibility. Family needs change over time and family
24 support must be flexible and responsive to the unique needs and
26 strengths of individual families.

28 4. Integration. Families should be supported to fully
30 integrate their family members with disabilities into education,
32 employment and social settings in their own communities. Support
34 to families must build on social networks and other sources of
36 support that exist in their communities.

38 5. Long-term support. Family support is needed throughout
40 the life spans of family members with disabilities.

42 6. Family expertise. Families should be recognized as
44 experts regarding the needs of their members with disabilities.
46 The family should be the primary decision-making unit regarding
48 the support, services and opportunities it needs. Accordingly,
50 families must be included in the planning and implementation of
 family support systems.

7. Family contributions. Families that have members with
 disabilities should be recognized for enriching the lives of all
 citizens through their contributions to the economic health and
 social fabric of the State.

8. Individual needs and aspirations. People with
 disabilities have personal needs and preferences to live, work,
 learn, grow and to have relationships. People with disabilities
 have abilities, competencies and aspirations and should be
 supported to pursue their personal desires and reach their
 fullest potential.

§1803. Office of Family Support

The commissioner shall establish the Office of Family

2 Support within the department to coordinate the development and
4 implementation of consistent family support policies and services
6 among the department's bureaus. The commissioner shall appoint
8 at least one person from each bureau to the office and shall
carry out the duties of the office within the resources existing
in the bureaus. The commissioner shall designate a director of
the office from among the appointees. The duties of the office
include but are not limited to the following.

10 1. Resource allocation. The office shall make
12 recommendations to the commissioner regarding the allocation or
reallocation of family support resources among the bureaus.

14 2. Policy development and implementation. The office shall
16 develop and implement family support policy that is consistent
among the bureaus.

18 3. Service coordination and monitoring. The office shall
20 oversee service coordination for families who are served by more
than one bureau and shall resolve interbureau disagreements.

22 4. Liaison to other departments. The office shall serve as
24 the department's liaison to other departments when a family is
served by more than one department.

26 **§1804. Regional family support councils**

28 The commissioner shall appoint a regional family support
30 council as established in Title 5, section 12004-I, subsection
32 59-B in each of the department's regions. Each council shall
34 have 12 members, all of whom are persons with disabilities or
family members of persons with disabilities. Each council shall
select its chair who shall serve on the Maine Family Support
Council.

36 Each council shall determine which family support services
38 are needed in its region and shall assist the commissioner to
40 plan the development and implementation of those services. Each
42 council shall participate in all departmental planning activities
44 that are required by state or federal mandates. Each council
shall assist the commissioner to plan for the community services
needed to meet the requirements of the Pineland consent decree,
the Augusta Mental Health Institute consent decree and any other
court judgments that affect services to families.

46 **§1805. Maine Family Support Council**

48 The Maine Family Support Council, as established in Title 5,
50 section 12004-I, subsection 59-C, consists of the chairs of each
of the regional family support councils. The council shall

2 select its chair. The director of the office shall coordinate
3 staff assistance to the council from the bureaus that comprise
4 the office.

5 The Maine Family Support Council shall advise the
6 commissioner and the office regarding the statewide development
7 and implementation of family support services.

8 **§1806. Authority to provide family support services**

9 The commissioner may provide family support services
10 directly from the department or through agreements with community
11 agencies. Agreements with community agencies must be in
12 accordance with section 1208, subsections 2 and 3.

13 **§1807. Rules**

14 The commissioner shall adopt rules in accordance with Title
15 5, chapter 375 to implement this subchapter.

16 **STATEMENT OF FACT**

17 This bill creates the Office of Family Support within the
18 Department of Mental Health and Mental Retardation. The office
19 is organized within existing resources to coordinate the
20 development and implementation of family support policy among the
21 department's bureaus.

22 This bill establishes principles for the delivery of family
23 support services and creates regional family support councils and
24 a statewide family support council to form the policy and
25 planning processes.

26 The bill clarifies the authority of the Commissioner of
27 Mental Health and Mental Retardation to provide family support
28 services directly or through community agencies.