

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1724

DATE: 2/8/94

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HUMAN RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1724, "Resolve, to Promote Consumer Choice and Quality Competition in Supported Living Arrangements"

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Promote Consumer Choice, Competition and Quality in Mental Retardation Services'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Sec. 1. Plan. Resolved: That the Department of Mental Health and Mental Retardation shall develop a plan for improvement of the community mental retardation service system that includes, but is not limited to, the following components:

1. Service options driven by consumer choice and funded through mechanisms that support consumer choice and mobility;

2. A continuous quality improvement system that ensures the safety and health of consumers, identifies consumer needs and measures consumer satisfaction;

3. A cost-benefit analysis of adopting performance-based principles of reimbursement for all community mental retardation

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1724

services, except respite care and family support services, that are as consistent as practicable in their treatment of similar items. The cost-benefit analysis must include, but is not limited to, the cost of compensating direct service employees at a rate similar to that for employees in intermediate care facilities for persons with mental retardation. The cost-benefit analysis must also include, but is not limited to, the benefits of quality improvements, reduction in staff turnover and enhanced auditing practices;

4. A licensing system that offers a feasible alternative to licensure as an intermediate care facility for persons with mental retardation; and

5. A guardianship system that eliminates the conflict of interest that exists when the Department of Mental Health and Mental Retardation acts as both guardian and service provider for a consumer; and be it further

Sec. 2. Participation. Resolved: That the Department of Mental Health and Mental Retardation shall include consumers, family members and service providers in the development of the plan; and be it further

Sec. 3. Report. Resolved: That by January 15, 1995, the Department of Mental Health and Mental Retardation shall submit the plan to the joint standing committee of the Legislature having jurisdiction over human resources matters and to the Executive Director of the Legislative Council. The plan must include a recommended schedule for implementation; and be it further

Sec. 4. Committee bill. Resolved: That the joint standing committee of the Legislature having jurisdiction over human resources matters may report out a bill during the First Regular Session of the 117th Legislature to authorize all or part of the plan submitted by the Department of Mental Health and Mental Retardation pursuant to this resolve.

FISCAL NOTE

The Department of Mental Health and Mental Retardation will incur some minor additional costs to develop and submit the plan to improve the community mental retardation service system. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

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4 This amendment replaces the original resolve. The
6 requirements in the original resolve that a voucher system be
8 implemented, that intermediate care facilities for persons with
10 mental retardation be phased out, and that rules be adopted are
12 replaced with a requirement that the Department of Mental Health
14 and Mental Retardation prepare a plan for improving the mental
retardation service system. The plan must address, but is not
limited to, service options that promote consumer choice and
mobility, quality systems that measure consumer satisfaction,
reimbursement mechanisms that provide predictability, and a
guardianship system that avoids conflicts of interest.

16 The Department of Mental Health and Mental Retardation is
18 required to submit the plan to the Legislature by January 15,
20 1995. The Joint Standing Committee on Human Resources is given
authority to report out a bill during the First Regular Session
of the 117th Legislature to authorize all or part of the plan.
The amendment also adds a fiscal note to the bill.