MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 851

H.P. 626

House of Representatives, February 6, 1997

An Act Directing the Department of Human Services to Apply for a Medicaid Waiver to Allow Spouses to Be Paid as Personal Care Attendants.

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative PIEH of Bremen. Cosponsored by Senator TREAT of Kennebec and Senator PINGREE of Knox and Representatives: BAGLEY of Machias, BRUNO of R

Representatives: BAGLEY of Machias, BRUNO of Raymond, ETNIER of Harpswell, MARVIN of Cape Elizabeth, MITCHELL of Vassalboro, SKOGLUND of St. George,

WINGLASS of Auburn, Senator PARADIS of Aroostook.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, federal rules do not permit recipients of personal care services to employ their spouses in that capacity and be reimbursed through the Medicaid program; and

Whereas, the Department of Human Services needs to apply for a waiver as soon as possible to correct this problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Personal care attendant waiver application. By April 15, 1997, the Department of Human Services is directed to apply to the federal Department of Health and Human Services for a waiver to allow recipients of personal care services reimbursed through the Medicaid program to employ their spouses in that capacity. The Department of Human Services shall report on the status of the waiver application to the Joint Standing Committee on Health and Human Services by June 1, 1997.

3.0

Sec. 2. Reimbursement. Beginning on the effective date of this Act and until a waiver is granted and services are provided under section 1, the Department of Human Services shall reimburse personal care providers who are spouses of Medicaid recipients from the General Fund.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill provides General Fund reimbursement for personal care services provided for Medicaid recipients on an interim basis. It directs the Department of Human Services to apply for a Medicaid waiver by April 15, 1997 to allow recipients of personal care services reimbursed by the Medicaid program to employ their spouses in that capacity. The Department of Human Services is required to report on the status of the waiver application to the Joint Standing Committee on Health and Human Services by June 1, 1997.