

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Handwritten initials "H.S." in the top left corner.

L.D. 2060

DATE 3-19-98

(Filing No. H-977)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1469, L.D. 2060, Bill, "An Act to Consolidate the Administration of Home Health Services"

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

'An Act Regarding Personal Care Assistance Services'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, persons receiving personal care assistance services through the program administered by the Department of Labor will benefit from the transfer of that program to the Department of Human Services on July 1, 1998; and

Whereas, transfer of the program can occur in an orderly manner on July 1, 1998 only if this legislation is enacted on an emergency basis; 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:

COMMITTEE AMENDMENT

7 d s.

2 **Sec. 1. 22 MRSA §5107-B, sub-§1**, as enacted by PL 1995, c.
696, Pt. B, §5, is amended to read:

4 **1. Membership; terms.** The committee consists of 9 11
members appointed by the Governor.

6 A. Two Four members must be adults with disabilities who
8 are consumers of independent living services, at least one
9 of whom is a consumer of services under the
10 consumer-directed home-based care program. Two members must
11 be family members of individuals who are consumers of
12 long-term care services, one of whom must represent persons
13 with Alzheimer's disease or other dementia. Five members
14 must be individuals over 65 years of age.

16 B. A member of the committee may not have any financial or
17 governance interest in the provision of long-term care
18 services.

20 **Sec. 2. 22 MRSA §§5107-C to 5107-F** are enacted to read:

22 **§5107-C. Program established**

24 The department shall establish a program of personal care
25 assistance services, including consumer-directed personal care
26 assistance services, for adults with long-term care needs who are
27 eligible under section 5107-D.

28 **§5107-D. Eligibility for services under the personal care**
29 **assistance program**

32 An adult with long-term care needs is eligible for personal
33 care assistance services under the personal care assistance
34 program under section 5107-C, referred to in this section as the
35 "program," if the department or its designee determines that the
36 adult:

38 **1. Severe disability.** Has a severe disability;

40 **2. Need for services.** Needs personal care assistance
41 services or an attendant at night or both, which services are
42 necessary to prevent or remove the adult from inappropriate
43 placement in an institutional setting; and

44 **3. Income and support.** Has no or insufficient personal
45 income or other support from public services, family members or
46 neighbors. A sliding scale must be established for services
47 provided under the program. The sliding scale must be based on
48 the net income of individuals who receive subsidies for personal
49 care assistance services. The expenses associated with each
50 adult must be paid by the department.

individual's disabilities must be factored into the calculation of net income for the individual.

§5107-E. Evaluation teams

1. Team designation. The commissioner shall designate evaluation teams in the State to assist the department with evaluations of adults with long-term care needs who apply for personal care assistance services under section 5107-C.

2. Membership. Each evaluation team must include at least one registered nurse or registered occupational therapist and the adult with long-term care needs.

3. Duties. For each adult with long-term care needs evaluated by an evaluation team, the team shall assist the department to:

A. Determine the eligibility of the adult for personal care assistance services;

B. Determine the capability of the adult, at the time of evaluation or after skills training provided pursuant to subsection 4, to hire and direct a personal care assistant;

C. Reevaluate the adult periodically to determine the adult's continuing need for the services; and

D. Consult when possible with the adult's attending physician.

4. Skills training. The commissioner may authorize an evaluation team to arrange for skills training for an adult with long-term care needs who applies for consumer-directed personal care assistance services under section 5107-C. Skills training may be provided in the following areas by the following individuals:

A. Personal health management to maximize personal well-being in relation to the adult's disability, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely disabled, including all aspects of prevention, maintenance and treatment techniques;

B. Personal care assistant management, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely disabled, including training in recruiting, hiring and managing a personal care assistant, scheduling and potential problems; and

2 C. Functional skills required to maximize the adult's
3 abilities in activities of daily living, provided by a
4 registered occupational therapist or other qualified person
5 experienced in the rehabilitation of the severely disabled.

6
7 **§5107-F. Reimbursement**

8
9 The department shall reimburse providers who are spouses of
10 individuals who are eligible for personal care assistance
11 services for severely physically disabled adults under section
12 5107-C.

13 **Sec. 3. 22 MRSA §7323, sub-§2, as corrected by RR 1991, c. 2,**
14 **§87, is amended to read:**

15
16 **2. Membership.** Each multidisciplinary team must include at
17 least one social services' professional, ~~one~~ or health care
18 professional and, whenever possible, the adult with long-term
19 care needs and a family or designated representative.

20
21 **Sec. 4. 26 MRSA c. 19, sub-c.II, art. IX is repealed.**

22
23 **Sec. 5. Study and report.** The Commissioner of Human Services,
24 in conjunction with the Long-term Care Steering Committee, shall
25 undertake a study of reimbursement rates for personal care
26 assistance services. In conducting the study the commissioner
27 and the committee shall consult with the Department of Labor,
28 Bureau of Rehabilitation; the statewide independent living
29 council; and other interested parties. The commissioner and the
30 committee shall consider and make recommendations on the future
31 role and duties of the committee. The commissioner shall report
32 findings and recommendations to the joint standing committee of
33 the Legislature having jurisdiction over health and human
34 services matters by January 1, 1999.

35
36 **Sec. 6. Transition report.** The Commissioner of Human Services
37 and the Commissioner of Labor shall report by January 1, 1999 to
38 the joint standing committee of the Legislature having
39 jurisdiction over health and human services matters on the
40 transfer of the personal care assistance services program from
41 the Department of Labor, under the Maine Revised Statutes, Title
42 26, sections 1421 to 1421-C, to the Department of Human Services,
43 under Title 22, sections 5107-C to 5107-F. The report must
44 address the progress of the departments in making the transfer,
45 the experience of consumers receiving services during the
46 transition, any problems encountered in the transition and any

recommended legislative or administrative action to address any problems or to improve the administration of the program.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

HUMAN SERVICES, DEPARTMENT OF

Long Term Care - Human Services

All Other \$1,863,149

Provides funds, transferred from the Department of Labor, to reflect the transfer of responsibility for the personal care assistance program.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$1,863,149

LABOR, DEPARTMENT OF

Rehabilitation Services

All Other (\$1,863,149)

Deappropriates funds to be transferred to the Department of Human Services to reflect the transfer of responsibility for the personal care assistance program.

**DEPARTMENT OF LABOR
TOTAL**

(\$1,863,149)

**TOTAL
APPROPRIATIONS**

-\$0-

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1998.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund \$0

This bill transfers the authority for certain home health services from the Department of Labor to the Department of Human Services, effective July 1, 1998. It also transfers the Department of Labor's current fiscal year 1998-99 General Fund appropriation for this program, \$1,863,149, to the Department of Human Services.

The additional costs associated with developing the required plan, including the establishment of a standard reimbursement rate can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

SUMMARY

This amendment replaces the bill. It inserts a new title to more accurately reflect the bill. It inserts emergency language. It repeals the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacts it in Title 22, moving the program from the Department of Labor to the Department of Human Services. It requires a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It requires a report from the commissioners of the 2 departments on the transfer and transition. It increases the membership on the Long-term Care Steering Committee by 2 members. It changes the membership of the multidisciplinary team in the home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It also adds a fiscal note.