

# MAINE STATE LEGISLATURE

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R. M. 1  
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L.D. 2170

DATE: 3-25-98

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HEALTH AND HUMAN SERVICES

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

COMMITTEE AMENDMENT "A" to H.P. 1543, L.D. 2170, Bill, "An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 20-A MRSA §7258, sub-§§1-A and 1-B are enacted to read:

1-A. Care manager. Within 2 years before the date that a student with mental retardation, serious emotional disturbance or other developmental disabilities will graduate or finish school, the Department of Mental Health, Mental Retardation and Substance Abuse Services, in consultation with the pupil evaluation team of the school administrative unit, shall designate a case manager to participate in transition planning for that student. The case manager shall convene an adult services transition team, ensure interagency coordination and access to adult services, serve as a single contact person for the student transitioning into the adult services and attend pupil evaluation team meetings or provide relevant information to the pupil evaluation team for transition planning purposes.

1-B. Annual report. Beginning January 1, 1999 and annually thereafter, the department, in conjunction with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding

COMMITTEE AMENDMENT

2 transition planning for the adult services system and the number  
3 of persons 16 years of age or older on waiting lists for services  
4 for persons with autism or mental retardation provided by or  
5 under the authority of the department and the Department of  
6 Mental Health, Mental Retardation and Substance Abuse Services.

7 **Sec. 2. Management information system.** The Department of  
8 Mental Health, Mental Retardation and Substance Abuse Services  
9 shall continue to develop and improve its management information  
10 system that collects data on persons receiving services, persons  
11 on waiting lists for services, persons making the transition from  
12 school-based services to adult services and the ages of persons  
13 receiving those services and on the waiting lists. The  
14 information collected must be distributed so that it is  
15 accessible and understandable to consumers, their families,  
16 service providers and policymakers. The management information  
17 system must provide families with information regarding planning,  
18 service options and support resources. The Department of Mental  
19 Health, Mental Retardation and Substance Abuse Services shall  
20 report its progress to the joint standing committee of the  
21 Legislature having jurisdiction over health and human services  
22 matters by January 1, 1999.

23 **Sec. 3. Report on planning and budgeting.** The Department of  
24 Mental Health, Mental Retardation and Substance Abuse Services  
25 shall report on the implementation of adopting person-centered  
26 planning, in which services and supports are based on individual  
27 needs, choices and circumstances, as applied to all adult clients  
28 of the department requiring mental retardation services, and  
29 budgeting in accordance with those determinations. The  
30 Department of Mental Health, Mental Retardation and Substance  
31 Abuse Services shall submit its report to the joint standing  
32 committee of the Legislature having jurisdiction over health and  
33 human services matters by January 1, 1999.

34 **Sec. 4. Improve public information and education.** The Department  
35 of Mental Health, Mental Retardation and Substance Abuse Services  
36 shall develop a plan to improve public information and provide a  
37 community education program concerning persons with mental  
38 retardation that includes information on grievance procedures.  
39 The department shall report its progress to the joint standing  
40 committee of the Legislature having jurisdiction over health and  
41 human services matters by January 1, 1999.

42 **Sec. 5. Encouraging fair compensation.** The Department of  
43 Mental Health, Mental Retardation and Substance Abuse Services  
44 shall take all necessary steps to encourage fair compensation for  
45 direct care workers employed by community mental retardation  
46 services providers, other than intermediate care facilities.  
47 Beginning August 1, 1998, the department, through its contracting  
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2 and service agreement process, shall provide funding for direct  
3 care workers to be paid an hourly wage of at least \$7.99 per hour  
4 and for direct care workers who are paid hourly wages of over  
5 \$7.99 to receive a 3% cost-of-living increase. The department  
6 shall study reimbursement methods for community mental  
7 retardation services providers, other than intermediate care  
8 facilities, including methods that provide cost-based  
9 reimbursement and cost-of-living increases. The department shall  
10 report the results of its findings and any recommendations for  
11 action to the joint standing committee of the Legislature having  
12 jurisdiction over health and human services matters by January 1,  
13 1999.

14 **Sec. 6. Appropriation.** The following funds are appropriated  
15 from the General Fund to carry out the purposes of this Act.

16  
17 **1998-99**

18 **MENTAL HEALTH, MENTAL RETARDATION**  
19 **AND SUBSTANCE ABUSE SERVICES,**  
20 **DEPARTMENT OF**

21 **Medicaid Services - Mental Retardation**

22  
23 All Other \$1,998,733

24  
25 Provides funds for a salary increase for  
26 certain staff who work in nonintermediate  
27 care facilities.

28  
29 **Mental Retardation Services - Community**

30  
31 All Other \$446,549

32  
33 Provides funds for a salary increase for  
34 certain staff who work in nonintermediate  
35 care facilities.

36  
37 **DEPARTMENT OF MENTAL HEALTH,**  
38 **MENTAL RETARDATION AND SUBSTANCE**  
39 **ABUSE SERVICES**

40  
41 **TOTAL** \$2,445,282

42  
43 **Sec. 7. Allocation.** The following funds are allocated from the  
44 Federal Expenditure Fund to carry out the purposes of this Act.

45  
46 **1998-99**

**HUMAN SERVICES, DEPARTMENT OF**

2

**Medical Care - Payments to Providers**

4

All Other \$3,933,986

6

Provides funds for the federal share of a salary increase for certain staff who work in nonintermediate care facilities.'

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

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**FISCAL NOTE**

16

**1998-99**

18

**APPROPRIATIONS/ALLOCATIONS**

20

General Fund \$2,445,282

22

Other Funds 3,933,986

24

**REVENUES**

26

Other Funds \$3,933,986

28

This bill provides General Fund appropriations totalling \$2,445,282 and a Federal Expenditure Fund allocation of \$3,933,986 in fiscal year 1998-99 to provide a salary increase for certain staff who work in nonintermediate care facilities. These amounts are based on an August 1, 1998 effective date. The annualized General Fund cost in fiscal year 1998-99 is estimated to be \$2,667,580.

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The Department of Mental Health, Mental Retardation and Substance Abuse Services will incur some minor additional costs to provide adult transition case management services, to develop a community public information and education program and to prepare the various reports. These costs can be absorbed within the department's existing budgeted resources.

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The Governor's proposed 1998-1999 supplemental budget, LD 1950, includes General Fund appropriations totalling \$3,526,889 in fiscal year 1998-99 for the Department of Mental Health, Mental Retardation and Substance Abuse Services for day services and residential services for non-class members. This estimate may need to be increased based on final legislative actions on LD

1950, since the amounts in the budget bill do not reflect this salary increase.

The additional costs associated with providing an annual report to the Legislature can be absorbed by the Department of Education utilizing existing budgeted resources.'

### SUMMARY

This amendment replaces the bill.

1. It retains the provisions of the bill designating an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system.

2. It retains the provisions requiring the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system.

3. It requires a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services.

4. It requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program.

5. It requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers.

6. It appropriates funding for increasing the wages of direct services staff employed by community providers.

The amendment also adds an appropriation section and a fiscal note to the bill.