

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

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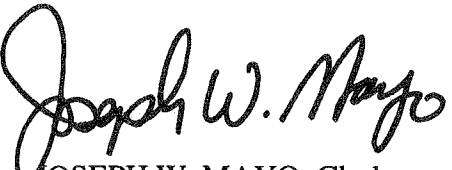
H.P. 1543

House of Representatives, January 26, 1998

**An Act to Implement the Recommendations of the Commission to
Determine the Adequacy of Services to Persons with Mental Retardation.**

Reported by Representative BERRY for the Commission to Determine the Adequacy of Services to Persons with Mental Retardation pursuant to Resolve 1997, chapter 79.

Reference to the Joint Standing Committee on Health and Human Services suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

2
4 **Sec. 1. 20-A MRSA §7258, sub-§1-A** is enacted to read:

6 1-A. Adult services transition coordinator. At least
8 within 2 years before the date that a student with disabilities
10 will graduate or finish school, the Department of Mental Health,
12 Mental Retardation and Substance Abuse Services, in consultation
14 with the pupil evaluation team of the school administrative unit,
16 shall designate an adult services transition coordinator to
18 participate in transition planning for that student. The
20 transition coordinator shall convene an adult services transition
22 team, ensure interagency coordination and access to adult
 services, serve as a single contact person for the student
 transitioning into the adult services system until an adult
 services caseworker is assigned and attend pupil evaluation team
 meetings or provide relevant information to the pupil evaluation
 team for transition planning purposes. Beginning January 1, 1999
 and annually thereafter, the department shall report to the joint
 standing committees having jurisdiction over health and human
 services and appropriations and financial affairs regarding
 transition planning for the adult services system.

24 **Sec. 2. Management information system.** The Department of
26 Mental Health, Mental Retardation and Substance Abuse Services
28 shall continue to develop and improve its management information
30 system that collects data on persons receiving services, persons
32 on waiting lists for services, persons making the transition from
34 school-based services to adult services and the ages of persons
36 receiving services and on waiting lists. The information
38 collected must be collected and distributed so that it is
40 accessible and understandable to consumers, their families,
 service providers and policy makers. The management information
 system must provide families with information regarding planning,
 service options, support resources and grievance procedures. The
 Department of Mental Health, Mental Retardation and Substance
 Abuse Services shall report its progress to the joint standing
 committee having jurisdiction over health and human services
 matters by January 1, 1999.

42 **Sec. 3. Amend the Medicaid waiver.** The Department of Mental
44 Health, Mental Retardation and Substance Abuse Services and the
46 Department of Human Services shall work together to submit to the
48 federal Health Care Financing Administration an amendment to the
50 Medicaid waiver that increases flexibility and personal choice
 and provides supported employment and personal support options.
 The Department of Mental Health, Mental Retardation and Substance
 Abuse Services shall report its progress to the joint standing
 committee having jurisdiction over health and human services
 matters by January 1, 1999.

2 **Sec. 4. Budget and allocate resources according to person-centered**
3 **planning.** The Department of Mental Health, Mental Retardation
4 and Substance Abuse Services shall develop a plan that budgets
5 and allocates resources according to person-centered planning and
6 individual needs for services and supports based on a person's
7 needs, choices and circumstances, regardless of whether the
8 person is a member of the community consent decree class covered
9 by the consent decree in Consumer Advisory Board v. Glover, No.
10 91-321-P-C (D. Me., September 28, 1994). The Department of
11 Mental Health, Mental Retardation and Substance Abuse Services
12 shall report its progress to the joint standing committee having
13 jurisdiction over health and human services matters by January 1,
14 1999.

16 **Sec. 5. Improve public information and education.** The Department
17 of Mental Health, Mental Retardation and Substance Abuse Services
18 shall develop a plan to improve public information and
19 communication between the department and consumers and their
20 families and provide a community education program on
21 guardianship, financial and estate planning, managed care,
22 service options, access to services and rights of appeal. The
23 department shall report its progress to the joint standing
24 committee having jurisdiction over health and human services
25 matters by January 1, 1999.

26 **Sec. 6. Adopt rules to encourage fair compensation for staff.** The
27 Department of Mental Health, Mental Retardation and Substance
28 Abuse Services shall develop a plan that provides for adequate
29 funds and the adoption of rules to encourage fair compensation
30 for staff in all nonintermediate care facilities in order to
31 achieve wage parity with staff working for intermediate care
32 facilities. The rules adopted pursuant to the Maine Revised
33 Statutes, Title 5, chapter 375, are routine technical rules as
34 defined by Title 5, chapter 375, subchapter II-A. The Department
35 of Mental Health, Mental Retardation and Substance Abuse Services
36 shall also develop a mechanism to reimburse for the increasing
37 costs of providing services or automatic cost-of-living
38 increases. The department shall report its progress to the joint
39 standing committee having jurisdiction over health and human
40 services matters by January 1, 1999.

42 **Sec. 7. Develop day and residential services.** The Department of
43 Mental Health, Mental Retardation and Substance Abuse Services
44 shall develop a plan that provides new options for day and
45 residential services and supported employment for persons with
46 mental retardation. The department shall report its progress to
47 the joint standing committee having jurisdiction over health and
48 human services matters by January 1, 1999.

2 **Sec. 8. Transition planning responsibilities.** Beginning January 1,
 4 1999 and annually thereafter, the Department of Mental Health,
 6 Mental Retardation and Substance Abuse Services shall provide a
 8 report for the previous year outlining the number of clients for
 10 whom the agency was requested to provide an adult services
 12 transition coordinator, the number of clients for whom an adult
 14 services transition coordinator participated in the planning for
 16 individual students with disabilities and the level of
 participation provided. The report must identify the level of
 state service agency participation in transition service planning
 and the level of anticipated services for young adults with
 mental retardation transitioning from school services to the
 adult services system. The report must be submitted to the joint
 standing committees having jurisdiction over appropriations and
 financial affairs and health and human services matters.

18 **Sec. 9. Develop and submit to the Governor a full funding budget.**
 20 Beginning in fiscal years ending June 30, 2000 and June 30, 2001
 22 and for each budget cycle thereafter, the Department of Mental
 24 Health, Mental Retardation and Substance Abuse Services shall
 develop and submit to the Governor a budget that fully funds
 options for day and residential services for adults with mental
 retardation based on person-centered planning for each
 individual.

26 **Sec. 10. Appropriation.** The following funds are appropriated
 28 from the General Fund to carry out the purposes of this Act.

30 **1998-99**

32 **MENTAL HEALTH, MENTAL**
 34 **RETARDATION AND SUBSTANCE**
ABUSE SERVICES,
 36 **DEPARTMENT OF**

38 **Medicaid Services - Mental**
Retardation

40 All Other \$5,052,601

42 Provides funds to eliminate the waiting list
 44 for day services and residential services.

46 **Medicaid Services - Mental**
Retardation

48 All Other \$2,180,436

2 Provides funds to achieve wage parity for
staff working in nonintermediate care
4 facilities.

6 **Mental Retardation Services - Community**

| | | |
|----|-------------------------------|--------------------|
| 8 | Positions - Legislative Count | (16,000) |
| | Personal Services | \$683,579 |
| | All Other | 3,492,905 |
| 10 | | |
| 12 | TOTAL | <u>\$4,176,484</u> |

14 Provides funds to eliminate the waiting list
for day services and residential services
including funds for 14.5 Mental Health and
16 Mental Retardation Caseworker positions, 1.5
Mental Health and Mental Retardation
18 Caseworker Supervisor positions and related
costs. This request will generate \$719,399
20 in General Fund undedicated revenue in
fiscal year 1998-99.

22 **Mental Retardation Services - Community**

| | | |
|----|-----------|-----------|
| 24 | All Other | \$487,144 |
|----|-----------|-----------|

26 Provides funds to achieve wage parity for
28 staff working in nonintermediate care
facilities.

30 **DEPARTMENT OF MENTAL HEALTH, MENTAL**
32 **RETARDATION AND SUBSTANCE ABUSE SERVICES**

| | | |
|----|--------------|---------------------|
| 34 | TOTAL | \$11,896,665 |
|----|--------------|---------------------|

36 **Sec. 11. Allocation.** The following funds are allocated from
the federal Expenditure Fund to carry out the purposes of this
38 Act.

40 **1998-99**

42 **HUMAN SERVICES,**
44 **DEPARTMENT OF**

46 **Medical Care - Payments to
Providers**

| | | |
|----|-----------|--------------|
| 48 | All Other | \$14,236,352 |
|----|-----------|--------------|

50 Provides funds for day services and

2 residential services for adults with mental
retardation and funds to increase the
4 salaries of certain service providers.

6 **SUMMARY**

8 This bill implements the recommendations of the Commission
to Determine the Adequacy of Services to Persons with Mental
10 Retardation, which was created pursuant to Resolve 1997, chapter
79.

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