

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1312

H.P. 935

House of Representatives, February 16, 1999

**An Act to Improve Consumers' Opportunities to Hire and Retain
Personal Care Attendants.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.
Cosponsored by Representatives: BRAGDON of Bangor, COWGER of Hallowell, MARVIN
of Cape Elizabeth, QUINT of Portland, SAXL of Bangor, SCHNEIDER of Durham,
TOWNSEND of Portland, Senator: TREAT of Kennebec.

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

4 **Sec. 1. 22 MRSA §5107-G** is enacted to read:

6 **§5107-G. Biennial review of reimbursement rates.**

8 **1. Review required.** By January 1, 2002, and every 2 years thereafter, the commissioner shall review the rates of reimbursement for consumer-directed personal care attendant services.

10 **2. Process.** As part of the review required under subsection 1, the commissioner shall:

12 **A. Ensure the input of consumers of those services.** The commissioner may seek that input through one or more public hearings or by other means determined reasonable by the commissioner; and

14 **B. Seek advice and input from the Long-term Care Steering Committee established in section 5107-B to determine if the rates of reimbursement are sufficient for consumers to recruit, hire and retain personal care attendants.**

16 **3. Rules.** When the commissioner determines that an increase in one or more of the reimbursement rates is necessary after the review required in this section, the commissioner shall adopt routine technical rules in accordance with Title 5, chapter 375, subchapter II-A to accomplish the increase.

18 **4. Budget estimates.** The commissioner shall include amounts necessary to fund any reimbursement rate increased by operation of this section in budget estimates prepared under Title 5, section 1665.

20 **Sec. 2. Rulemaking.** By October 1, 1999, the Department of Human Services shall adopt rules to increase the reimbursement rates for consumer-directed personal care attendants. These new rules must provide for increasing the reimbursement rates by \$1.75 per hour for work performed during the day under regular Medicaid or the Medicaid waiver program and by \$10 per night under the regular Medicaid program as a night attendant or by \$11 per night under the Medicaid waiver program as a night attendant. In the home-based care program the reimbursement rates must increase by \$2 per hour for work performed during the day and by \$8 per night as a night attendant. Rules adopted pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

SUMMARY

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4 This bill requires the Department of Human Services to adopt
6 rules by October 1, 1999 to increase the reimbursement rates of
8 consumer-directed personal care attendants. The bill also enacts
a mechanism to ensure a review of the reimbursement rates every 2
years and requires input from consumers and the Long-term Care
Steering Committee as part of the review process.