

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1322

S.P. 447

In Senate, February 16, 1999

An Act to Ensure the Availability of Home-based Care.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.
Cosponsored by Representative LOVETT of Scarborough and
Senators: PARADIS of Aroostook, PINGREE of Knox, Representatives: BERRY of
Livermore, MADORE of Augusta, QUINT of Portland, SCHNEIDER of Durham,
SNOWE-MELLO of Poland, TESSIER of Fairfield.

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

2
4 **Sec. 1. 22 MRSA §7301, sub-§2, ¶A**, as enacted by PL 1981, c. 511, §1, is amended to read:

6 A. To ~~increase--the--availability--of~~ make in-home and
8 community support services ~~for~~ available to adults with
long-term care needs;

10 **Sec. 2. 22 MRSA §7303, sub-§1**, as enacted by PL 1981, c. 511,
12 §1, is amended to read:

14 **1. Adults with long-term care needs.** "Adults with long-term
16 care needs" means adults who have physical or mental limitations
18 which ~~that~~ restrict their ability to carry out activities of
20 daily living and impede their ability to live independently, or
who are at risk of being, or who already have been, placed
inappropriately in an institutional setting, and who meet
criteria for medical and financial eligibility adopted by the
department through rulemaking.

22 **Sec. 3. 22 MRSA §7303, sub-§1**, as enacted by PL 1981, c. 511,
24 §1, is amended to read:

26 **1. Programs required.** The department shall establish and
28 administer, pursuant to this subtitle, programs of in-home and
community support services for adults with long-term care needs,
by itself or in cooperation with the Federal Government.

30 An adult with long-term care needs, who applies for services
32 under any such program, is entitled to receive the services,
34 ~~provided that if~~ the department has determined that the adult is
eligible ~~and--provided--that--sufficient--funds--are--available~~
pursuant to this subtitle to pay for the services under rules
adopted by the department.

36 **Sec. 4. 22 MRSA §7305, sub-§4**, as enacted by PL 1981, c. 511,
38 §1, is amended to read:

40 **4. Distribution.** The department shall disburse funds,
42 pursuant to this subtitle, ~~in--a--manner--that--ensures--to--the~~
~~extent--practicable,--equitable--distribution--of--services--among~~
44 ~~adults with long-term care needs and among the various regions of~~
the State to all applicants who meet the medical and financial
46 eligibility requirements adopted by the department pursuant to
its rule-making authority.

48 **Sec. 5. 22 MRSA §7305, sub-§5** is enacted to read:

2 5. Carry-over; dedicated revenues. Funds appropriated to
3 in-home care accrue as dedicated revenues, and funds so
4 appropriated but not spent at the end of a fiscal year do not
5 lapse but carry over to the next fiscal year and must be used
6 exclusively for in-home care. Funds appropriated to the Medicaid
7 nursing home account that are not expended at the end of a fiscal
8 year must be transferred to the in-home care account and accrue
9 as dedicated revenues.

10
11 **SUMMARY**

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13 This bill ensures that in-home care for persons who are in
14 need of long-term care is made available to all eligible
15 participants. This bill also provides that funds appropriated to
16 the in-home care account do not lapse at the end of the fiscal
17 year, but carry over to the next fiscal year. It also requires
18 that funds appropriated to the nursing home account but not spent
be transferred to the in-home care account.