

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 2220

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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1572, L.D. 2220, "Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services"

Amend the resolve in section 1 in the last line (line 28 in L.D.) by striking out the following: "authorized." and inserting in its place the following: 'authorized as long as the rules are amended as follows.

1. On page 47 in paragraph (D), the entry on consumer payments in the adult day services program must be amended to provide for payments at 3 levels, as follows:

Income as % of federal poverty level	Co-pay
less than 300%	20%
300 to 400%	35%
over 400%	50%.

2. On page 54 in paragraph (E), the entry on consumer payments in the congregate housing services program must be amended to provide for payments at 3 levels as follows:

Income as % of federal poverty level	Co-pay
less than 300%	20%
300 to 400%	35%
over 400%	50%.

3. On page 89 in paragraph (E), the entry on consumer payments in the program on respite care for people with

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Alzheimer's or related disorders must be amended to provide for payments at 3 levels as follows:

Income as % of federal poverty level	Co-pay
less than 300%	20%
300 to 400%	35%
over 400%	50%.

4. On page 91 in paragraph (B), the entry on consumer payments in the Bureau of Elder and Adult Services Administered Homemaker Services program must be amended to provide for payments at 3 levels as follows:

Income as % of federal poverty level	Co-pay
less than 300%	20%
300 to 400%	35%
over 400%	50%.

5. Calculation of consumer income in the consumer-directed home based care program must include spouse's income, phased in over 2 years. From February 1, 2000 to December 30, 2000, 50% of the spouse's income must be included in household income. From January 1, 2001, 100% of the spouse's income must be included in household income.

6. Calculation of consumer payments in the elders and disabled adults home based care program must include a percentage of consumer income, phased in over 2 years. From February 1, 2000, to January 1, 2001, 4% of income must be applied to the consumer payment. From January 1, 2001, 5% of income must be applied to the consumer payment.

7. The rule takes effect February 1, 2000.

8. The Department of Human Services shall convene a working group of interested parties. The working group must consist of the following interest groups: providers of services, Legislators, representatives of the department and consumers of services, equally divided among consumers of services for the elderly or representatives of those consumers and consumers of services for disabled persons or representatives of those consumers.

The working group shall review the current rules, the provisionally adopted major substantive rules, the impact on consumers and comparisons of consumer payments among different programs administered by the Bureau of Elder and Adult Services as well as comparing these co-payments with co-payments in other programs administered by the department. The working group shall review options for establishing an equitable co-payment system

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2 for home based care programs. In reviewing the impact of the
3 provisionally adopted rules, the working group shall consider the
4 number of consumers affected, how household income and assets
5 will be affected, the impact of using a different approach to
6 assets, the definition of liquid assets, allowances for family
7 size, administrative costs among different providers of services,
8 wages, benefits, hours and overtime of employees of the providers
9 of services and other issues as determined by the working group.

10 The working group shall report to the Joint Standing
11 Committee on Health and Human Services by January 5, 2000 with
12 recommendations supported by all or a majority of the working
13 group members.'

14 Further amend the resolve by inserting at the end before the
15 summary the following:

18 **FISCAL NOTE**

20 Changing the cost-sharing provisions so that persons with
21 higher incomes pay a proportionately higher share of the costs of
22 the home care services received will result in additional funds
23 that will be directed to providing services to those not
24 currently being served. The amount of the additional funds and
25 services that will be provided cannot be determined at this time.

26 The Department of Human Services will incur some minor
27 additional costs to convene a working group to review rules,
28 impacts and compare co-payments with co-payments in other
29 department programs and to adopt and implement rules and to
30 revise appeal and administrative provisions that apply to various
31 programs within the department.'

34 **SUMMARY**

36 This amendment approves the provisionally adopted rules of
37 the Bureau of Elder and Adult Services with some changes. The
38 changes include a phased-in schedule for the inclusion of
39 spouse's income and a phased-in schedule for application of
40 income to consumer payment. The amendment inserts another step
41 in the graduated contribution of consumers to the cost of their
42 care. The amendment requires the Department of Human Services to
43 convene a working group to examine the current and provisionally
44 adopted rules and, with regard to providers of services in the
45 programs, administrative costs and employee wages and hours and
46 benefits. The working group is required to report to the Joint
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2 Standing Committee on Health and Human Services by January 5,
2000. The provisionally adopted rules are required to take
effect February 1, 2000.

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This amendment also adds a fiscal note to the resolve.

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