

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1268

H.P. 954

House of Representatives, February 28, 2001

An Act to Improve Services to Persons with Mental Retardation.

(EMERGENCY)

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BERRY of Livermore.

Cosponsored by Representatives: DUDLEY of Portland, JONES of Greenville, Senators:
GOLDTHWAIT of Hancock, President MICHAUD of Penobscot.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** hundreds of persons with mental retardation are on
waiting lists for services from the Department of Mental Health,
Mental Retardation and Substance Abuse Services; and

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10 **Whereas,** development of community placements for persons on
waiting lists may be expedited by allowing for greater
self-determination by persons with mental retardation and
12 administrative costs for state agencies and private providers
thereby reduced; and

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16 **Whereas,** community-based private agencies must offer the
necessary safety net for Maine's citizens with mental
retardation; and

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20 **Whereas,** contracts with providers of services to persons
with mental retardation have not been adjusted to reflect the
increased cost of living for over 10 years; and

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24 **Whereas,** providers of services to persons with mental
retardation are experiencing extreme difficulty retaining
qualified direct service staff to serve clients with mental
26 retardation; and

28 **Whereas,** providers of services to persons with mental
retardation receive inadequate funding to provide health
30 insurance benefits and other fringe benefits necessary to recruit
and attract qualified employees; and

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34 **Whereas,** as a result of inadequate funding providers of
services are increasingly unable to develop new services to meet
the needs of clients waiting for services; and

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38 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
40 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

46 **Sec. 1. 34-B MRSA §5438** is enacted to read:

48 **§5438. Establishment of pilot program to explore alternative
methods of developing individual client service program**

2 1. Pilot program. The department shall establish by rule a
3-year pilot program to explore alternative methods of developing
4 individual client service programs. The pilot program shall
utilize a voucher system of payment to empower the client to
6 purchase residential, vocation and habilitation services directly
from providers of services. The pilot program shall establish a
method of assessing the programmatic needs of the client,
8 determining the funding that would be required to meet that
client's needs and make available to the client through a voucher
10 or series of vouchers an equal amount of funding.

12 2. Methodology. The methodology utilized to determine the
funding required to meet the client's needs must be developed by
14 a task force composed of 6 individuals with significant knowledge
regarding service options and costs. Two members of the task
16 force must be representatives of the department, appointed by the
commissioner; 2 members must be providers of services, appointed
18 by an association representing community service providers; and 2
members must represent consumers, one appointed by the Maine
20 Developmental Disabilities Council and one appointed by a
statewide self-advocacy program representing people with
22 retardation and mental disabilities.

24 3. Rules. The rules established to carry out this pilot
program must be designed to permit maximum self-determination for
26 the client while ensuring that necessary services are provided.
Rules adopted pursuant to this section are routine technical
28 rules as defined in Title 5, chapter 375, subchapter II-A.

30 4. Assessment tool. The rules must include an assessment
to evaluate the efficacy of expanding the pilot program on an
32 ongoing basis. The assessment must evaluate client satisfaction
and the effectiveness of the pilot program. A methodology must
34 be established to measure the value of services received through
the pilot program. The assessment must be sent to the joint
36 standing committee of the Legislature having jurisdiction over
human services matters and the joint standing committee of the
38 Legislature having jurisdiction over appropriations and financial
affairs annually.

40 **Sec. 2. 34-B MRSA §5481, sub-§2** is enacted to read:

42 2. Rates; contracts. Beginning July 1, 2001, all rates and
44 contracts for fee-for-service or grant-in-aid programs paid by
the department to private agencies providing services to persons
46 with mental retardation must be adjusted annually by the amount
necessary to cover projected increases in costs based on the
48 United States Consumer Price Index established by the United
States Department of Labor, Bureau of Labor Statistics.

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2 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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SUMMARY

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8 This bill requires the Department of Mental Health, Mental
Retardation and Substance Abuse Services to annually adjust all
rates and contracts for fee-for-service or grant-in-aid programs
10 paid to private agencies providing services to persons with
mental retardation. The bill also requires the Department of
12 Mental Health, Mental Retardation and Substance Abuse Services to
establish a pilot program to explore alternative methods of
14 developing individual client service programs for persons with
mental retardation.