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A. C.	L.D. 1197
2	DATE: 5-27-03 (Filing No. S-236)
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6	HEALTH AND HUMAN SERVICES
8	Reported by: Majority
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12	STATE OF MAINE
14	SENATE 121ST LEGISLATURE
16	FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to S.P. 403, L.D. 1197, Bill, "An
20	Act To Preserve the Role of Assisted Living"
22	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the
24	following:
26	Sec. 1. 22 MRSA §7807 is enacted to read:
28	§7807. License not required
30	A license is not required to operate an independent housing with services program, as defined in section 7852.
32	Sec. 2. 22 MRSA §7853, first ¶, as enacted by PL 2001, c. 596,
34	Pt. A, $\S1$ and affected by Pt. B, $\S25$ , is amended to read:
36	The commissioner shall adopt rules for <u>licensed</u> assisted housing programs. Rules adopted pursuant to this section are
38	major substantive rules as defined in Title 5, chapter 375, subchapter $II = A 2-A$ .
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42	Sec. 3. 22 MRSA §7853, sub-§§5 and 6, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, are amended to read:

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# COMMITTEE AMENDMENT

## COMMITTEE AMENDMENT "A" to S.P. 403, L.D. 1197

Assisted living program rules. The commissioner shall 5. 2 adopt rules for independent - housing - with - services - programs - and assisted living programs. In addition to the subject matter of 4 rules listed in subsection 2, the rules must recognize and promote the efficiencies inherent in providing services in the б applicable setting with respect to staffing and other responsibilities, while ensuring quality of care and safety. The rules must set requirements and standards for services rendered 8 in the applicable settings that recognize the differences between 10 those settings and private homes served pursuant to chapter 419. The rules must permit staff in assisted heasing living programs to be shared in accordance with section 1812-C, subsection 6-A 12 and section 7914.

6. Applicability of residents' rights rules. Any rules
adopted pursuant to this section pertaining to residents' rights are applicable to independent-housing-with-services-programs-and
licensed assisted living housing programs.

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Sec. 4. 22 MRSA §7853, sub-§7 is enacted to read:

 7. Relationship to tax credit financing. In adopting rules under this section, the department shall give due consideration
to and shall avoid conflicts with the requirements of the federal Internal Revenue Code and regulations promulgated under the
federal Internal Revenue Code and any other requirements imposed by the Internal Revenue Service when financing based on
low-income housing tax credits is utilized for the housing component of assisted living programs.

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Sec. 5. Tax credit financing. By October 1, 2003, the Maine State Housing Authority shall file a request with the Internal 32 Revenue Service for a private letter ruling regarding compliance with applicable provisions of Section 42 of the federal Internal 34 Revenue Code and regulations promulgated under that section for 36 the housing component of assisted living programs as such compliance pertains to rulemaking by the Department of Human Services for assisted living programs. In developing 38 the request, the Maine State Housing Authority shall consult with the 40 Department of Human Services, providers of assisted living programs that utilize financing based on low-income housing tax 42 and representatives of lenders and investors credits in affordable assisted living programs financed by low-income housing tax credits. Within 3 months of receiving guidance from 44 the Internal Revenue Service, the Maine State Housing Authority and the Department of Human Services shall report to the joint 46 standing committee of the Legislature having jurisdiction over health and human services matters regarding that guidance and any 48 recommendations for legislation or rulemaking.

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2 Sec. 6. Landlord-tenant responsibilities. The Department of Human Services and the Maine State Housing Authority shall work with representatives of assisted living program providers, consumers, 4 consumer advocates and entities providing financing through landlord-tenant 6 low-income housing tax credits on responsibilities in assisted living programs. The goal is to develop a common and consistent process and operative rules for 8 the lease, termination of the lease, transfer of a consumer and The Department of Human Services and 10 discharge of a consumer. the Maine State Housing Authority shall report to the Joint 12 Standing Committee on Health and Human Services by January 15, 2004 on their progress on issues related to the landlord-tenant 14 responsibilities in assisted living programs.

Sec. 7. Rulemaking. The Department of Human Services shall amend the rules for independent housing with services programs that receive funding from the Bureau of Elder and Adult Services to provide for copayment requirements of not less than 20% and not more than 40% of the cost of services. Notwithstanding the provisions of Public Law 1999, chapter 4, Part N, section 2, rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.'

#### **SUMMARY**

This amendment replaces the bill. It clarifies that a license is not required to operate an independent housing with 30 services program. It clarifies that the rules that apply to 32 assisted living programs do not apply to independent housing with services programs. It requires that rules for assisted living 34 programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It requires the 36 Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and requires a report to the 38 joint standing committee of the Legislature having jurisdiction the 40 over health and human services matters. It requires Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant 42 responsibilities as they pertain to assisted living programs. It directs the Department of Human Services to amend the rules for 44 independent housing with services programs to allow for copayments of 20% to 40% of the cost of services. 46

> FISCAL NOTE REQUIRED (See attached)

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# COMMITTEE AMENDMENT



Approved: 05/20/03 mac

121st Maine Legislature Office of Fiscal and Program Review

LD 1197 An Act to Preserve the Role of Assisted Living

LR 1541(02) Fiscal Note for Bill as Amended by Committee Amendment "A" S-234 Committee: Health and Human Services Fiscal Note Required: Yes

### **Fiscal Note**

Minor cost increase - General Fund

#### **Fiscal Detail and Notes**

Any additional cost to the Maine State Housing Authority and the Department of Human Services can be absorbed utilizing existing resources.