

MAINE STATE LEGISLATURE

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L.D. 1991

Date: 4-12-06

(Filing No. S-600)

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1991, "Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services"

Amend the amendment by striking out the first 2 indented paragraphs after the title (page 1, lines 11 to 15 in amendment) and inserting in their place the following:

'Amend the resolve by striking out all of sections 1 and 2 (page 1, lines 1 to 12 in L.D.) and inserting in their place the following:

'Sec. 1. State plan amendment. Resolved: That the following provisions apply to consumer-directed personal assistance services provided by the Department of Health and Human Services and the Department of Labor.

1. The Department of Health and Human Services shall submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services a MaineCare state plan amendment to establish a new state plan program for personal assistance services for persons with physical disabilities. The program must provide services through the self-directed program model authorized in the federal Deficit Reduction Act of 2005, Section 6086. The state plan amendment must be designed to transfer some participants in the current physical disabilities waiver to the new state plan program for personal assistance services for persons with physical disabilities.

2. After approval of the state plan amendment by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and no earlier than January 1, 2007, the Department of Health and Human Services may increase reimbursement for providers of consumer-directed personal assistance services in the 3 programs administered by the department up to a rate of \$10 per hour as long as the conditions of this subsection are satisfied.

A. Savings to the General Fund must be generated from the transfer of participants from the current physical disabilities waiver program to the new state plan program for personal assistance for persons with physical disabilities and those savings must be sufficient, together with any federal matching funds, to fund any increase in reimbursement above \$9 per hour.

1 B. This subsection does not authorize an increase in General Fund expenditures for
2 reimbursement for providers of consumer-directed personal assistance services above
3 the level budgeted for reimbursement of \$9 per hour.

4 3. Beginning on the effective date of the new reimbursement level established under
5 subsection 2 by the Department of Health and Human Services for the 3 programs of
6 consumer-directed personal assistance services administered through that department, the
7 Department of Labor may increase the reimbursement rate for consumer-directed
8 personal assistance services in the program administered by the Department of Labor by
9 an amount equal to the increase granted by the Department of Health and Human
10 Services; and be it further ' '

11 Further amend the amendment by striking out all of the 5th and 6th indented
12 paragraphs after the title (page 1, lines 27 to 30 in amendment)

13 Further amend the amendment by striking out all of section 7 (page 1, lines 31 to 34
14 and page 2, lines 1 to 14 in amendment)

15 Further amend the amendment by relettering or renumbering any nonconsecutive Part
16 letter or section number to read consecutively.

17 **SUMMARY**

18 This amendment amends Committee Amendment "A". This amendment is intended
19 to provide for an increase in reimbursement rates for providers of consumer-directed
20 personal assistance services through the maximization of federal Medicaid funds. The
21 amendment directs the Department of Health and Human Services to submit a
22 MaineCare state plan amendment to establish a new consumer-directed personal
23 assistance program under the federal Deficit Reduction Act of 2005. The amendment
24 authorizes the Department of Health and Human Services to increase reimbursement rates
25 for consumer-directed personal assistance services up to a rate of \$10 per hour no earlier
26 than January 1, 2007 if the state plan amendment is approved and rates can be increased
27 through the use of General Fund funds and any matching federal funds without cost to the
28 General Fund. The amendment allows the Department of Labor to increase rates in that
29 department's consumer-directed program if the Department of Health and Human
30 Services increases rates.

31 **FISCAL NOTE REQUIRED**

32 (See attached)

33 SPONSORED BY: 

34 (Senator MAYO)

35 COUNTY: Sagadahoc



122nd MAINE LEGISLATURE

LD 1991

LR 2791(04)

Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Mayo

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Federal Expenditures Fund

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund		(\$1,112,287)	(\$1,201,270)	(\$1,297,371)
Appropriations/Allocations				
General Fund		(\$1,112,287)	(\$1,201,270)	(\$1,297,371)

Fiscal Detail and Notes

This amendment replaces the Committee Amendment language that required the rates be increased to \$10.00 per hour, with language allowing the Department to increase the rate up to \$10.00 only if it achieves General Fund savings by securing additional federal matching funds for the program. In order to secure these additional federal funds, the amendment requires the Department take the necessary steps to secure federal approval for program changes authorized under the federal Deficit Reduction Act of 2006. As a result of the changes made in this amendment the General Fund costs assumed for the Committee Amendment can be removed.