

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1991

S.P. 769

In Senate, February 2, 2006

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by President EDMONDS of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick and
Senators: BRENNAN of Cumberland, MAYO of Sagadahoc, MITCHELL of Kennebec,
STRIMLING of Cumberland, Representatives: FARRINGTON of Gorham, LERMAN of
Augusta, PINGREE of North Haven, WEBSTER of Freeport.

1 **Sec. 1. Commissioner of Health and Human Services; rulemaking.**
2 **Resolved:** That the Commissioner of Health and Human Services shall adopt rules
3 governing MaineCare physical disabilities waiver and the consumer-directed attendant
4 services programs to increase the rate of reimbursement for providers of consumer-
5 directed personal care assistance services from \$7.71 per hour to \$10 per hour; and be it
6 further

7 **Sec. 2. Commissioner of Labor; rulemaking. Resolved:** That the
8 Commissioner of Labor shall adopt rules governing the program of state-funded
9 consumer-directed personal care assistance services under the Maine Revised Statutes,
10 Title 26, section 1412-H to increase the rate of reimbursement for providers of consumer-
11 directed personal care assistance services from \$7.71 per hour to \$10 per hour; and be it
12 further

13 **Sec. 3. Competitive bidding process. Resolved:** That the Commissioner of
14 Health and Human Services and the Commissioner of Labor shall initiate a competitive
15 bidding process to solicit bids from prospective providers of consumer-directed personal
16 care assistance services; and be it further

17 **Sec. 4. Implementation of recommendations. Resolved:** That the
18 Commissioner of Health and Human Services and the Commissioner of Labor shall
19 develop a plan and timeline for the implementation of the following recommendations of
20 the working group established pursuant to Public Law 2003, chapter 673 on consumer
21 direction in Maine's long-term supportive services system, as outlined in the working
22 group's January 1, 2005 report:

23 1. Expanding the availability of consumer-directed alternatives across the range of
24 long-term care services;

25 2. Enhancing the intake process to provide consumers with information about the
26 range of services available, including consumer-directed services; and

27 3. Providing consumers the opportunity to participate in consumer-directed services
28 with the use of an unpaid agent, commonly referred to as a "surrogate," to assist with the
29 management tasks associated with these services; and be it further

30 **Sec. 5. Submission of plan; timeline. Resolved:** That the Commissioner of
31 Health and Human Services and the Commissioner of Labor shall submit the plan and
32 timeline developed pursuant to section 4 to the joint standing committee of the
33 Legislature having jurisdiction over health and human services matters and the joint
34 standing committee of the Legislature having jurisdiction over labor matters no later than
35 6 months after the effective date of this resolve. Following receipt and review of the plan
36 and timeline, the committees may report out to the First Regular Session of the 123rd
37 Legislature legislation necessary to implement the plan and the timeline; and be it further

38 **Sec. 6. Major substantive rules. Resolved:** That rules adopted pursuant to this
39 resolve by the Department of Health and Human Services and the Department of Labor
40 related to the expansion of availability of or participation in consumer-directed long-term
41 care services are major substantive rules pursuant to the Maine Revised Statutes, Title 5,
42 chapter 375, subchapter 2-A.

1 **SUMMARY**

2 This resolve accomplishes the following.

3 1. It directs the Commissioner of Health and Human Services and the Commissioner
4 of Labor to adopt rules to increase rates of reimbursement for providers of consumer-
5 directed personal care assistance services.

6 2. It directs the Commissioner of Health and Human Services and the Commissioner
7 of Labor to initiate a competitive bidding process to solicit bids from prospective
8 providers of consumer-directed personal care assistance services.

9 3. It directs the Commissioner of Health and Human Services and the Commissioner
10 of Labor to develop a plan and timeline to implement recommendations of the working
11 group established pursuant to Public Law 2003, chapter 673 on consumer direction in
12 Maine's long-term supportive services system, and to submit the plan and timeline to the
13 Joint Standing Committee on Health and Human Services and the Joint Standing
14 Committee on Labor.