

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2054

H.P. 1438

House of Representatives, December 21, 2007

### **An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs**

(EMERGENCY)

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

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CRAVEN of Lewiston.  
Cosponsored by Senator BRANNIGAN of Cumberland and  
Representatives: CAIN of Orono, CANAVAN of Waterville, FAIRCLOTH of Bangor,  
MILLER of Somerville, PINGREE of North Haven, RAND of Portland, WAGNER of  
Lewiston, WEBSTER of Freeport.

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

3       **Whereas,** some families forego respite care because they are not able to afford  
4 copayments; and

5       **Whereas,** it is important for families that need respite care to be able to access that  
6 care; and

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

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

12       **Sec. 1. 34-B MRSA §1208, sub-§8,** as enacted by PL 2003, c. 673, Pt. SSS, §2,  
13 is amended to read:

14       **8. Fees.** By July 1, 2004, the department shall adopt rules to require that contracts  
15 and service agreements with service providers require service providers to charge fees for  
16 certain services for children and families funded through grant funds from the  
17 department. ~~Respite, outpatient~~ Outpatient, case management and home-based family  
18 services are subject to fees under this subsection. Rules adopted pursuant to this  
19 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
20 The following provisions apply to the rules and to the imposition of fees under the rules.

21       A. A fee scale must be established by the department on a sliding scale on the basis  
22 of household income, determined after consultation with the Department of Human  
23 Services, Bureau of Family Independence with reference to the federal nonfarm  
24 income official poverty line, and take into account the number of children with  
25 special needs within a household who are receiving services from the department and  
26 whether the family pays very high health care expenses.

27       B. The fee scale under paragraph A must be developed after consultation with  
28 service providers, consumers and advocates for service providers and consumers. As  
29 appropriate to the child, family and service, the fee scale must apply to all service  
30 providers and supersedes previous service provider fee schedules.

31       C. The fee scale under paragraph A may not require fees from families below 250%  
32 of the federal nonfarm income official poverty line and must require families above  
33 450% of the federal nonfarm income official poverty line to pay 100% of the cost of  
34 services provided by service providers. The fee scale must include fees of 25%, 50%,  
35 75% and 100% of the cost of services.

36       D. Service providers must be allowed to require payment of fees at the time that  
37 services are provided, to suspend services for nonpayment of fees and to retain all  
38 fees collected. Service providers must be required to provide an accounting to the  
39 department of fees charged and administrative expenses incurred in billing and  
40 collecting fees and of fees retained.

