

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 524

H.P. 369

House of Representatives, February 12, 2009

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**An Act To Provide Assistance to Family Members, Friends and  
Neighbors Who Provide Home Health Care for Senior Citizens**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAMPBELL of Newfield.  
Cosponsored by Senator GOOLEY of Franklin and  
Representatives: CAIN of Orono, CONNOR of Kennebunk, FLOOD of Winthrop, GILES of  
Belfast, Speaker PINGREE of North Haven, SAVIELLO of Wilton, STRANG BURGESS of  
Cumberland, WHEELER of Kittery.

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

2 Sec. 1. 22 MRSA §3172, sub-§1-C is enacted to read:

3 1-C. Family member, friend or neighbor caregiver. "Family member, friend or  
4 neighbor caregiver" is a person who is a family member, friend or neighbor of a Medicaid  
5 recipient who provides assistance with personal care and health maintenance services to  
6 the Medicaid recipient.

7 Sec. 2. 22 MRSA §3172, sub-§2, as enacted by PL 1977, c. 582, §1, is amended  
8 to read:

9 2. **Home health care.** "Home health care" means nursing services and other  
10 therapeutic services provided without a requirement that hospitalization should be an  
11 antecedent to care and provided on an intermittent visiting basis to individuals in their  
12 homes or other place of residence, excluding hospitals, extended care facilities,  
13 rehabilitation centers and skilled nursing homes. In addition to skilled nursing, these  
14 services may include personal care and health maintenance services provided by a family  
15 member, friend or neighbor caregiver, physical therapy, speech therapy, occupational  
16 therapy, medical social services, home health aide services and such other services and  
17 standards of care as may be defined by the department ~~which~~ that are pursuant to,  
18 consistent with and necessary to the administration of home health care within the intent  
19 of section 3173.

20 Sec. 3. 22 MRSA §3173, 2nd ¶, as repealed and replaced by PL 1979, c. 127,  
21 §144, is amended to read:

22 The department is authorized and empowered to make all necessary rules and  
23 regulations consistent with the laws of the State for the administration of these programs  
24 including, but not limited to, establishing conditions of eligibility and types and amounts  
25 of aid to be provided, and defining the term "medically indigent," and the type of medical  
26 care to be provided. In administering programs of aid, the department shall, among other  
27 services, emphasize developing and providing financial support for preventive health care  
28 and home health care, including the payment of a family member, friend or neighbor  
29 caregiver, in order to assure that a comprehensive range of health care services is  
30 available to Maine citizens. Preventive health services ~~shall~~ must include, but need not be  
31 limited to, programs such as early periodic screening, diagnosis and treatment; public  
32 school nursing services; child and maternal health services; and dental health education  
33 services. To meet the expenses of emphasizing preventive health care and home health  
34 care, the department is authorized to expend for each type of care no less than 1.5% of the  
35 total sum of all funds available to administer medical or remedial care and services  
36 eligible for participation under the United States Social Security Act, Title XIX and  
37 amendments and successors to it.

38 Sec. 4. 22 MRSA §3173, 13th ¶, as repealed and replaced by PL 1979, c. 127,  
39 §144 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

1 The Department of Health and Human Services may establish fee schedules  
2 governing reimbursement for services provided under this chapter. In establishing the fee  
3 schedules, the department shall consult with individual providers and their representative  
4 associations and family member, friend or neighbor caregivers. The fee schedules ~~shall~~  
5 must be subject to annual review.

6 **Sec. 5. 22 MRSA §3174-I, sub-§1-A**, as amended by PL 1995, c. 170, §3, is  
7 further amended to read:

8 **1-A. Information and assistance.** If the assessment performed pursuant to  
9 subsection 1 finds the level of nursing facility care clinically appropriate, the department  
10 shall determine whether the applicant also could live appropriately and cost-effectively at  
11 home or in some other community-based setting if home-based or community-based  
12 services were available to the applicant. If the department determines that a home or  
13 other community-based setting is clinically appropriate and cost-effective, the department  
14 shall:

15 A. Advise the applicant that a home or other community-based setting is appropriate;

16 B. Provide a proposed care plan and inform the applicant regarding the degree to  
17 which the services in the care plan, including payment for services provided by a  
18 family member, friend or neighbor caregiver, are available at home or in some other  
19 community-based setting and explain the relative cost to the applicant of choosing  
20 community-based care rather than nursing facility care; and

21 C. Offer a care plan and case management services to the applicant on a sliding scale  
22 basis if the applicant chooses a home-based or community-based alternative to  
23 nursing facility care.

24 The department may provide the services described in this subsection directly or through  
25 private agencies or family member, friend or neighbor caregivers.

## 26 SUMMARY

27 This bill allows family members, friends or neighbors to receive payment for  
28 providing personal care and health maintenance services to persons who receive  
29 Medicaid.