

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 745, L.D. 1078, Bill, "An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §50 is enacted to read:

§50. Planning for long-term care services

By January 15, 2012 and every 4 years thereafter the department, after input from interested parties, shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the current allocation of resources for long-term care and the goals for allocation of those resources during the next 4 years. The report must be based on current and projected demographic data, current and projected consumer needs and recent or anticipated changes in methods of delivery of long-term care services and must include any action taken by the department to further these goals and any recommendations for action by the Legislature.

Sec. 2. 22 MRSA §7301, as enacted by PL 1981, c. 511, §1, is amended to read:

§7301. Legislative intent

1. Findings. The Legislature finds that:

A. In-home and community support services have not been sufficiently available to many adults with long-term care needs;

B. Many adults with long-term care needs are at risk of being or already have been placed in institutional settings, because in-home and community support services or funds to pay for these services have not been available to them;

C. In some instances placement of adults with long-term care needs in institutional settings can result in emotional and social problems for these adults and their families; and

1 D. For many adults with long-term care needs, it is less costly for the State to
2 provide in-home and community support services than it is to provide care in
3 institutional settings;

4 E. The majority of adults with long-term care needs have indicated a preference to
5 remain in their own homes and in community settings rather than having their needs
6 met in institutional settings;

7 F. For many adults with long-term care needs and their families, the process to
8 identify and secure appropriate services may be confusing and difficult to navigate;
9 and

10 G. A sustainable system of long-term care to meet the needs of citizens must
11 emphasize in-home and community support services that capitalize upon personal
12 and family responsibility.

13 **2. Policy.** The Legislature declares that it is the policy of this State, with regard to in-
14 home and community support services:

15 A. To increase the availability of ~~in-home and community support services~~ long-
16 term care services that are consumer-driven, optimize individual choice and
17 autonomy and maximize physical health, mental health, functional well-being and
18 independence for adults with long-term care needs through high-quality services and
19 supports in settings that reflect the needs and choices of consumers and that are
20 delivered in the most flexible, innovative and cost-effective manner;

21 B. That the priority recipients of in-home and community support services,
22 pursuant to this subtitle, ~~shall must be the elderly and disabled adults with long-term~~
23 ~~care needs who are at the greatest risk of being, or who already have been, placed~~
24 ~~inappropriately in an institutional setting~~ without needed in-home and community
25 support services; and

26 C. That a variety of agencies, facilities and individuals ~~shall must~~ be encouraged to
27 provide in-home and community support services and to increase the percentages of
28 adults with long-term care needs receiving in-home and community support services;

29 D. To promote and encourage public and private partnerships among a variety of
30 agencies, facilities and individuals;

31 E. To support the roles of family caregivers and a qualified workforce in the effort to
32 streamline and facilitate access to high-quality services in the least restrictive and
33 most integrated settings; and

34 F. To establish the most efficient and cost-effective system for delivering a broad
35 array of long-term care services.

36 **Sec. 3. 22 MRSA §7302**, as amended by PL 2001, c. 596, Part B, §10 and affected
37 by §25 and amended by PL 2003, c. 689, Part B, §§6 and 7, is further amended to read:

38 **§7302. Definitions**

39 As used in this subtitle, unless the context otherwise indicates, the following terms
40 have the following meanings.

1 **1. Adults with long-term care needs.** "Adults with long-term care needs" means
2 adults who have physical or mental limitations which restrict their ability to carry out
3 activities of daily living and impede their ability to live independently, or who are at risk
4 of being, or who already have been, placed inappropriately in an institutional setting.

5 **1-A. Activities of daily living.** "Activities of daily living" means activities as
6 defined in federal and state rules including those essential to a person's daily living
7 including: eating and drinking; bathing and hygiene; dressing, including putting on and
8 removing prostheses and clothing; toileting, including toilet or bedpan use, ostomy or
9 catheter care, clothing changes and cleaning related to toileting; locomotion or moving
10 between locations within a room or other areas, including with the use of a walker or
11 wheelchair; transfers or moving to and from a bed, chair, couch, wheelchair or standing
12 position; and bed mobility or positioning a person's body while in bed, including turning
13 from side to side.

14 **2. Agreement.** "Agreement" means a contract, grant or other method of payment.

15 **3. Commissioner.** "Commissioner" means the Commissioner of Health and Human
16 Services.

17 **3-A. Consumer.** "Consumer" means a person eligible for services under this
18 subtitle.

19 **3-B. Consumer assessment.** "Consumer assessment" means an evaluation of the
20 functional capacity of an individual to live independently given appropriate supports with
21 activities of daily living and instrumental activities of daily living or through the
22 provision of information about service options that are available to meet the individual's
23 needs.

24 **4. Department.** "Department" means the Department of Health and Human
25 Services.

26 **5. In-home and community support services.** "In-home and community support
27 services" means health and social services and other assistance required to enable adults
28 with long-term care needs to remain in their places of residence. These services include,
29 but are not limited to, self-directed care services; medical and diagnostic services;
30 professional nursing; physical, occupational and speech therapy; dietary and nutrition
31 services; home health aide services; personal care assistance services; companion and
32 attendant services; handyman, chore and homemaker services; respite care; counseling
33 services; transportation; small rent subsidies; various devices ~~which~~ that lessen the effects
34 of disabilities; and other appropriate and necessary social services.

35 **6. Institutional settings.** "Institutional settings" means residential care facilities,
36 licensed pursuant to chapter 1664; intermediate care and skilled nursing facilities and
37 units and hospitals, licensed pursuant to chapter 405; and state institutions for individuals
38 who are mentally ill or mentally retarded or who have related conditions.

39 **6-A. Instrumental activities of daily living.** "Instrumental activities of daily living"
40 means the activities as defined in federal and state rules including those essential,
41 nonmedical tasks that enable the consumer to live independently in the community,
42 including light housework, preparing meals, taking medications, shopping for groceries
43 or clothes, using the telephone, managing money and other similar activities.

1 **7. Personal care assistance services.** "Personal care assistance services" means
2 services ~~which are~~ required by an adult with long-term care needs to achieve greater
3 physical independence, which may be ~~consumer directed~~ self-directed and ~~which~~ include,
4 but are not limited to:

- 5 A. Routine bodily functions, such as bowel or bladder care;
- 6 B. Dressing;
- 7 C. Preparation and consumption of food;
- 8 D. Moving in and out of bed;
- 9 E. Routine bathing;
- 10 F. Ambulation; and
- 11 G. ~~Any other similar activity~~ Activities of daily living and instrumental activities of
12 daily living.

13 **8. Personal care assistant.** "Personal care assistant" means an individual who has
14 completed a training course of at least 40 hours, which includes, but is not limited to,
15 instruction in basic personal care procedures, such as those listed in subsection 7, first aid
16 and handling of emergencies; or an individual who meets competency requirements, as
17 determined by the department or its designee; or, if providing service to a consumer
18 receiving self-directed attendant services under chapter 1622, a person approved by the
19 consumer or the consumer's surrogate as being able to competently assist in the
20 fulfillment of the personal care assistance services outlined in the consumer's plan of care.
21 Nothing in Title 32, chapter 31, may be interpreted to require that a personal care
22 assistant be licensed under that chapter or supervised by a person licensed under that
23 chapter.

24 **9. Provider.** "Provider" means any entity, agency, facility or individual who offers
25 or plans to offer any in-home or community support services or institutionally based
26 long-term care services.

27 **9-A. Qualified providers.** "Qualified providers" means community-based agencies
28 or a network of agencies with the organizational and administrative capacity to administer
29 and monitor an array of in-home and community support services that will promote
30 choice and portability with an emphasis on coordinating and implementing the services in
31 the consumer's plan of care.

32 **9-B. Self-directed care services.** "Self-directed care services" means services
33 procured and directed by the consumer or the consumer's surrogate that allow the
34 consumer to reenter or remain in the community and to maximize independent living
35 opportunities. "Self-directed care services" includes the hiring, firing, training and
36 supervision of personal care assistants to assist with activities of daily living and
37 instrumental activities of daily living.

38 **10. Severe disability.** "Severe disability" means a disability ~~which~~ that results in
39 persons having severe, chronic physical, sensory or cognitive limitations ~~which~~ that
40 restrict their ability to carry out ~~the normal~~ activities of daily living and to live
41 independently.



124th MAINE LEGISLATURE

LD 1078

LR 1030(02)

An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: No

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Health and Human Services to plan for, establish and report on a coordinated program of in-home and community support services for adults with long-term care needs can be absorbed by the department utilizing existing budgeted resources.