

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 579

H.P. 398

House of Representatives, February 21, 2013

**Resolve, To Clarify and Improve the Eligibility Process for Services
for Persons with Intellectual Disabilities or Autism**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WELSH of Rockport.
Cosponsored by Senator HAMPER of Oxford and
Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, GRAHAM of North
Yarmouth, MALABY of Hancock, PETERSON of Rumford.

1 **Sec. 1. Eligibility for services for persons with intellectual disabilities or**
2 **autism. Resolved:** That, by January 1, 2014, the Department of Health and Human
3 Services, referred to in this resolve as "the department," shall undertake a process to
4 amend its rules and update the criteria for eligibility with respect to applicants for
5 services for persons with intellectual disabilities or autism. Rules adopted pursuant to
6 this section are routine technical rules as defined in the Maine Revised Statutes, Title 5,
7 chapter 375, subchapter 2-A. The department shall adopt eligibility criteria developed by
8 the American Association on Intellectual and Developmental Disabilities and define
9 "significant limitations" with respect to both intellectual functioning and adaptive
10 behavior. The application and eligibility process must allow for retrospective diagnosis
11 to address a person who did not receive a diagnosis of intellectual disability or autism
12 during the person's developmental period and must allow consideration by the department
13 of information acquired after diagnosis. The application and eligibility process must
14 provide for reapplication when new information is obtained, even if it is obtained after
15 the developmental period. The application and eligibility process must, when an
16 applicant has produced evidence of diagnostic testing results indicating that the applicant
17 is eligible in accordance with the eligibility guidelines, place the burden of proof on the
18 department to prove that the applicant is not eligible. The application and eligibility
19 process must also include a process to appeal a decision by the department, with the
20 appeal to be heard by a person who is independent of the department and who has
21 expertise in psychological and adaptive behavior testing; and be it further

22 **Sec. 2. Stakeholder group. Resolved:** That the department shall convene a
23 stakeholder group to develop a guide for Legislators and consumers that explains and
24 provides information about the application and eligibility process for services for persons
25 with intellectual disabilities or autism developed pursuant to section 1; and be it further

26 **Sec. 3. Intellectual disabilities complex case committee. Resolved:** That,
27 by January 1, 2014, the department shall adopt rules relating to the department's
28 intellectual disabilities complex case committee. The rules must clarify the roles and
29 responsibilities of the intellectual disabilities complex case committee and must provide
30 opportunities for applicants, guardians and families to address the committee and
31 opportunities to appeal the recommendations of the committee. Rules adopted pursuant
32 to this section are routine technical rules as defined by the Maine Revised Statutes, Title
33 5, chapter 375, subchapter 2-A.

34 **SUMMARY**

35 This resolve directs the Department of Health and Human Services to undertake a
36 process to update the criteria for eligibility for services for persons with intellectual
37 disabilities or autism. The resolve directs the department to convene a stakeholder group
38 to develop a guide to the application and eligibility process. The resolve directs the
39 department to adopt routine technical rules relating to the department's intellectual
40 disabilities complex case committee. The resolve designates both sets of rules as routine
41 technical rules and requires adoption of the rules by January 1, 2014.