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No. 90

H.P. 73

House of Representatives, January 16, 2015

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

(EMERGENCY)

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative STUCKEY of Portland. Cosponsored by Senator BURNS of Washington and Representatives: FARNSWORTH of Portland, MAKER of Calais, TURNER of Burlington, Senators: BREEN of Cumberland, SAVIELLO of Franklin.

- 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,** the people of the State need and deserve a variety of well-planned and 4 financially stable long-term care services in home-based and community-based care 5 settings and in nursing facilities in their communities; and
- 6 **Whereas,** recent closures of nursing facilities, in particular in rural and underserved 7 areas of the State, have had a significant impact on Maine families and communities; and

8 Whereas, in order to provide high-quality care to elderly and disabled persons and 9 to maintain access to services across the State, the Legislature must take immediate action 10 to continue a thoughtful and thorough planning process; and

- 11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 12 the meaning of the Constitution of Maine and require the following legislation as 13 immediately necessary for the preservation of the public peace, health and safety; now, 14 therefore, be it
- 15 Sec. 1. Personal needs allowance for residents of nursing facilities. 16 Resolved: That, by October 1, 2015, the Department of Health and Human Services 17 shall amend the rules for the MaineCare program to increase the personal needs 18 allowance for persons residing in nursing facilities. The rules must provide for an 19 increase in the personal needs allowance from \$40 per month to \$50 per month. Rules 20 adopted pursuant to this section are routine technical rules as defined in the Maine 21 Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further
- Sec. 2. Personal needs allowance for residents of residential care facilities. Resolved: That, by October 1, 2015, the Department of Health and Human Services shall amend the rules for the MaineCare program to increase the personal needs allowance for persons residing in residential care facilities. The rules must provide for an increase in the personal needs allowance from \$70 per month to \$90 per month. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.
- Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.
- 31 SUMMARY
- This resolve directs the Department of Health and Human Services to amend its rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities. The rules are designated as routine technical rules.