



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 517

H.P. 356

House of Representatives, February 24, 2015

Resolve, To Reconcile Conflicts between the Home and Communitybased Waiver Program for the Elderly and Adults with Disabilities and the Requirements of the Department of Health and Human Services and the Department of Public Safety

(EMERGENCY)

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FARNSWORTH of Portland. Cosponsored by Representatives: McCLELLAN of Raymond, PETERSON of Rumford, STUCKEY of Portland. 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,** this legislation must take effect before the expiration of the 90-day period 4 in order for the report of the stakeholder group, to be convened by the Commissioner of 5 Health and Human Services and the Commissioner of Public Safety, to be timely filed; 6 and

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

Sec. 1. Stakeholder group. Resolved: That the Commissioner of Health and 11 12 Human Services and the Commissioner of Public Safety shall jointly convene a stakeholder group to determine the most appropriate home-like, community-based 13 residential settings for residents participating in the home and community-based waiver 14 15 program for the elderly and adults with disabilities that are consonant with ensuring their safety and maintaining the program's cost-effectiveness. The stakeholder group must 16 include representatives of the office of aging and disability services and the division of 17 licensing and regulatory services within the Department of Health and Human Services, 18 19 representatives of the Office of the State Fire Marshal within the Department of Public Safety and stakeholders in the community, including individuals with disabilities who 20 participate in the home and community-based waiver program, their advocates and their 21 22 providers of services. The stakeholder group shall determine and develop a plan to 23 address the licensing and regulatory requirements that adversely affect the program's 24 cost-effectiveness and that are not necessary for the health and safety of the residents; and 25 be it further

Sec. 2. Report. Resolved: That the stakeholder group under section 1 shall prepare and submit a report based on its determinations and including its plan to the Commissioner of Health and Human Services and the Commissioner of Public Safety by May 1, 2015. The commissioners or their designees shall submit the report and any legislation necessary to implement the plan to the Joint Standing Committee on Health and Human Services by May 15, 2015. The joint standing committee may report out a bill based on the report and plan to the First Regular Session of the 127th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.

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SUMMARY

This resolve directs the Commissioner of Health and Human Services and the Commissioner of Public Safety to convene a stakeholder group to resolve ongoing issues between the home and community-based waiver program for the elderly and adults with disabilities and the requirements of the Department of Health and Human Services and the Department of Public Safety. The stakeholder group is directed to report with a plan

- to resolve the issues to the commissioners by May 1, 2015. The commissioners are directed to submit by May 15, 2015 the report and any legislation necessary to implement the plan to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill to the First Regular Session of the 127th Legislature.