

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1698

H.P. 1163

House of Representatives, April 12, 2016

**Resolve, Related To Legislative Review of a Change to the
MaineCare Benefits Manual, Chapters II and III, Section 17**

(EMERGENCY)

Reported by Representative GATTINE of Westbrook for the Joint Standing Committee on Health and Human Services pursuant to the Maine Revised Statutes, Title 5, section 11115.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

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 resolve extends the eligibility period for certain individuals who were
4 eligible for community support services under Chapter 101, MaineCare Benefits Manual,
5 Chapter II, Section 17 before the rule was updated on March 22, 2016; and

6 **Whereas,** it is possible that certain individuals may become ineligible to receive
7 these services before the 90-day period expires; and

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

12 **Sec. 1. Transitional period. Resolved:** That the Department of Health and
13 Human Services, referred to in this resolve as "the department," shall extend eligibility
14 for community support services to each individual who received those services under
15 Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17, referred to in this
16 resolve as "Section 17," before Section 17 was updated on March 22, 2016 and who have
17 been found to no longer meet the eligibility requirements under the updated Section 17
18 until the individual is able to access appropriate services under another section of the
19 MaineCare Benefits Manual; except that an extension of eligibility may not exceed a
20 period of 120 days after that individual's current authorization period has expired; and be
21 it further

22 **Sec. 2. Continuation of bridging rental assistance program for certain**
23 **individuals. Resolved:** That any individual receiving housing subsidy vouchers under
24 the bridging rental assistance program, referred to in this resolve as "BRAP," due to that
25 individual's Section 17 eligibility immediately before Section 17 was updated on March
26 22, 2016 continues to remain eligible for BRAP housing subsidy vouchers, unless the
27 individual becomes ineligible for BRAP housing subsidy vouchers for a reason unrelated
28 to Section 17 eligibility; and be it further

29 **Sec. 3. Additional transitional period possible. Resolved:** That, until June
30 30, 2017, the Office of MaineCare Services within the department shall authorize 90-day
31 extensions of community support services under Section 17 for an individual that
32 received Section 17 services before Section 17 was updated on March 22, 2016 if that
33 individual is able to reasonably demonstrate to the department that the individual has
34 been unable to access appropriate services under any other section of the MaineCare
35 Benefits Manual; and be it further

36 **Sec. 4. Emergency rulemaking authorized. Resolved:** That the department
37 shall adopt emergency rules pursuant to the Maine Revised Statutes, Title 5, section 8054
38 as necessary for implementation of this resolve.

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

1

SUMMARY

2 This resolve, which is an emergency:

3 1. Requires the Department of Health and Human Services to extend eligibility for
4 community support services to an individual who received services under Chapter 101,
5 MaineCare Benefits Manual, Chapter II, Section 17 before Section 17 was updated on
6 March 22, 2016 if that individual is found to no longer meet the eligibility requirements
7 under the updated Section 17 until that individual is able to access appropriate services
8 under any other section of the MaineCare Benefits Manual. This extension of eligibility
9 may not exceed a period of 120 days after that individual's current authorization period
10 has expired;

11 2. Establishes that an individual who was receiving bridging rental assistance
12 program housing subsidy vouchers due to Section 17 eligibility immediately before
13 Section 17 was updated on March 22, 2016 continues to remain eligible for the housing
14 subsidy vouchers, unless the individual becomes ineligible for the housing subsidy
15 vouchers for a reason unrelated to Section 17 eligibility;

16 3. Until June 30, 2017, requires the Office of MaineCare Services within the
17 Department of Health and Human Services to authorize 90-day extensions of community
18 support services under Section 17 for an individual who received Section 17 services
19 before Section 17 was updated on March 22, 2016 if that individual is able to reasonably
20 demonstrate to the department that that individual has been unable to access appropriate
21 services under any other section of the MaineCare Benefits Manual; and

22 4. Provides the department with the authority to adopt emergency rules as necessary
23 for implementation of this resolve.



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LD 1698

LR 2810(01)

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**Fiscal Note for Original Bill
Committee: Health and Human Services
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase – General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this resolve are expected to be minor and can be absorbed within existing budgeted resources.