

MAINE STATE LEGISLATURE

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L.D. 1708

Date: 3/21/18

(Filing No. H-664)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1188, L.D. 1708, Bill, "An Act To Allow Qualifying Medicaid Recipients To Hire Relatives and Legal Guardians for Consumer-directed Attendant Services"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members'

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

Sec. 1. Department of Health and Human Services request to amend waiver. Resolved: That, no later than January 1, 2019, the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the existing 1915(c) waiver that provides home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by relatives, including spouses, or legal guardians who are employed to provide those services; and be it further

Sec. 2. Rulemaking. Resolved: That the Department of Health and Human Services, upon receiving notice of approval for the amendment to the 1915(c) waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for relatives, including spouses, or legal guardians to be employed as caregivers for the eligible members; and be it further

Sec. 3. Report. Resolved: That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with an interim report by April 30, 2019 outlining the progress of applying for, receiving and implementing the amended 1915(c) waiver

COMMITTEE AMENDMENT

H. of S.

1 pursuant to section 1. The department shall submit a final report no later than January 1,
2 2020 with data on the number of people receiving services under the department's rule
3 Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 who employ caregivers
4 who are relatives, including spouses, or legal guardians, the costs or savings from the
5 employment of relatives or legal guardians as caregivers and recommendations on the
6 feasibility of future similar expansion to other MaineCare programs or other potential
7 waivers available under Medicaid. The joint standing committee of the Legislature
8 having jurisdiction over health and human services matters may report out a bill to the
9 Second Regular Session of the 129th Legislature regarding any recommendations
10 contained in the report; and be it further

11 **Sec. 4. Appropriations and allocations. Resolved:** That the following
12 appropriations and allocations are made.

13 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

14 **Long Term Care - Office of Aging and Disability Services 0420**

15 Initiative: Provides funding for the fiscal intermediary service required to allow eligible
16 members to receive services provided by relatives, including spouses or legal guardians.

17	GENERAL FUND	2017-18	2018-19
18	All Other	\$0	\$124,188
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$124,188</u>

21 **Medical Care - Payments to Providers 0147**

22 Initiative: Provides funding to amend the existing 1915(c) waiver that provides home and
23 community-based services under the Department of Health and Human Services rule
24 Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible
25 members to receive services provided by relatives, including spouses or legal guardians.

26	GENERAL FUND	2017-18	2018-19
27	All Other	\$0	\$468,780
28			
29	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$468,780</u>

30	FEDERAL EXPENDITURES FUND	2017-18	2018-19
31	All Other	\$0	\$850,797
32			
33	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$850,797</u>

34 **Office of MaineCare Services 0129**

35 Initiative: Provides funding for the fiscal intermediary service required to allow eligible
36 members to receive services provided by relatives, including spouses or legal guardians.

P. of S.

COMMITTEE AMENDMENT "A" to H.P. 1188, L.D. 1708

1	FEDERAL EXPENDITURES FUND	2017-18	2018-19
2	All Other	\$0	\$124,188
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$124,188</u>

5	HEALTH AND HUMAN SERVICES,		
6	DEPARTMENT OF		
7	DEPARTMENT TOTALS	2017-18	2018-19
8			
9	GENERAL FUND	\$0	\$592,968
10	FEDERAL EXPENDITURES FUND	\$0	\$974,985
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$1,567,953</u>
13			

SUMMARY

15 This amendment replaces the bill with a resolve. The amendment requires the
16 Department of Health and Human Services to submit a request to the United States
17 Department of Health and Human Services, Centers for Medicare and Medicaid Services
18 to amend the current 1915(c) waiver so that eligible members receiving home and
19 community-based services under the department's rule Chapter 101: MaineCare Benefits
20 Manual, Chapter II, Section 19 will be able to receive services provided by relatives,
21 including spouses, or legal guardians who are employed to provide those services. It
22 requires the department to amend its rules after the amended waiver approval has been
23 received from the Federal Government. The amendment requires the department to
24 provide an interim report and a final report regarding the progress in applying for,
25 receiving and implementing the amended waiver, as well as data on the number of
26 individuals receiving services from relatives, including spouses, or legal guardians, any
27 information about costs or savings and recommendations about the feasibility for
28 similarly expanding other MaineCare programs or other potential waiver programs
29 available under Medicaid. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1708

LR 2622(02)

An Act To Allow Qualifying Medicaid Recipients To Hire Relatives and Legal Guardians for Consumer-directed Attendant Services

Fiscal Note for Bill as Amended by Committee Amendment *A (H-664)*
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$592,968	\$789,831	\$789,831
Appropriations/Allocations				
General Fund	\$0	\$592,968	\$789,831	\$789,831
Federal Expenditures Fund	\$0	\$974,985	\$1,300,771	\$1,300,771
Revenue				
Federal Expenditures Fund	\$0	\$974,985	\$1,300,771	\$1,300,771

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$592,968 in fiscal year 2018-19 to amend the existing 1915 (c) waiver that provides home and community based services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19, to allow eligible members to receive services provided by relatives, including spouses, or legal guardians and for the fiscal intermediary service required to provide payments for eligible members receiving services to relatives, including spouses or legal guardians. Federal Expenditures Fund allocations are also included for the FMAP match.