

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1202

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H.P. 866

House of Representatives, March 12, 2019

**Resolve, To Develop a Plan To Improve Service Delivery to  
Individuals Receiving Medicaid Home and Community-based  
Services**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative FARNSWORTH of Portland.  
Cosponsored by Representatives: BRENNAN of Portland, COOPER of Yarmouth, CRAVEN  
of Lewiston, CROCKETT of Portland, HANDY of Lewiston, MADIGAN of Waterville,  
PERRY of Calais, RECKITT of South Portland.

1           **Preamble. Whereas,** the United States Department of Health and Human Services,  
2 Centers for Medicare and Medicaid Services adopted home and community-based  
3 settings rules in 2014 that the State must comply with by March 17, 2022; and

4           **Whereas,** the rules are intended to ensure that individuals receiving long-term  
5 services and supports through Medicaid home and community-based service programs  
6 have full access to the benefits of community living and the opportunity to receive  
7 services in the most integrated setting; and

8           **Whereas,** the rules require the Department of Health and Human Services to  
9 develop, with stakeholder input and Centers for Medicare and Medicaid Services  
10 approval, a transition plan to bring the State into full compliance; and

11           **Whereas,** the State submitted proposed transition plans in 2014 and 2016 but has  
12 not received approval from the Centers for Medicare and Medicaid Services; and

13           **Whereas,** implementing the rules will be a complex process requiring significant  
14 changes to how services are delivered in the State; now, therefore, be it

15           **Sec. 1. Stakeholder group for working plan created. Resolved:** That the  
16 Department of Health and Human Services, referred to in this resolve as "the  
17 department," shall convene a stakeholder group to develop a working plan to implement  
18 the United States Department of Health and Human Services, Centers for Medicare and  
19 Medicaid Services home and community-based settings rules in the State. The  
20 department shall provide staff support for the stakeholder group, including but not limited  
21 to a facilitator and administrative support.

22           **Sec. 2. Membership. Resolved:** That the membership of the stakeholder group  
23 under section 1 consists of the following:

- 24           1. Two members of the Senate, appointed by the President of the Senate;
- 25           2. Two members of the House of Representatives, appointed by the Speaker of the  
26 House; and
- 27           3. A member receiving services under each home and community-based waiver,  
28 including department rule Chapter 101: MaineCare Benefits Manual, Chapters II and III,  
29 Sections 18, 19, 20, 21 and 29.

30           The department shall also invite the participation of at least one representative from  
31 each of the following organizations: Developmental Disabilities Partners for Positive  
32 Change within Disability Rights Maine; the Maine Developmental Disabilities Council;  
33 the University of Maine Center for Community Inclusion and Disability Studies;  
34 Speaking Up For Us of Maine; the Acquired Brain Injury Advisory Council under the  
35 Maine Revised Statutes, Title 34-B, section 19001; the Maine Long-Term Care  
36 Ombudsman Program; and the Maine Association for Community Service Providers.

37           **Sec. 3. Duties. Resolved:** That the stakeholder group under section 1 shall  
38 investigate and develop a plan for the department to fully comply with the United States

1 Department of Health and Human Services, Centers for Medicare and Medicaid Services  
2 home and community-based settings rules and bring best practices to the State by:

3 1. Reviewing information about home and community-based settings best practices  
4 in other states;

5 2. Reviewing the State's most recently submitted transition plan and making  
6 recommendations on how to revise the plan for resubmission to the Centers for Medicare  
7 and Medicaid Services; and

8 3. Reviewing and making specific recommendations regarding:

9 A. Changes needed to the person-centered planning process;

10 B. Combining multiple target populations into one home and community-based  
11 settings waiver;

12 C. System changes needed to ensure home and community-based services recipients  
13 have community access to the same extent as others, including but not limited to  
14 individuals' having leases, choice of providers, opportunities to seek employment,  
15 opportunities to engage in community life and to control personal resources and  
16 choice of roommates;

17 D. Identification of the support service providers who will need to come into full  
18 compliance with the home and community-based settings rules; and

19 E. Quality assurance mechanisms and regulatory changes needed, and the fiscal  
20 implications of those changes, to enable the implementation of the home and  
21 community-based settings rules.

22 **Sec. 4. Report. Resolved:** That the department shall submit a report on the  
23 findings and recommendations of the stakeholder group under section 1, including any  
24 recommended legislation, to the Joint Standing Committee on Health and Human  
25 Services by January 15, 2020. The committee may submit a bill related to the report to  
26 the Second Regular Session of the 129th Legislature.

27 **SUMMARY**

28 This resolve directs the Department of Health and Human Services to convene a  
29 stakeholder group to review the Medicaid home and community-based settings rules,  
30 review past efforts by the State to come into compliance with those rules and make  
31 recommendations about how to bring the State into compliance and recommendations on  
32 necessary statutory and regulatory changes. The department is required to submit a report  
33 by January 15, 2020 to the Joint Standing Committee on Health and Human Services,  
34 which may submit a bill to the Second Regular Session of the 129th Legislature.