

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-787) (LD 2109 2020)

Date: 7/28/2020



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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1504, L.D. 2109, Bill, “An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues”

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

**'Resolve, To Increase MaineCare Reimbursement Rates for Services Provided by Direct Care Workers'**

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

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the 90-day period will not terminate until after the beginning of the next fiscal year; and

**Whereas,** this legislation affects obligations and expenses during the course of the current fiscal year and requires immediate attention; and

**Whereas,** current state reimbursement rates for services providing long-term supports and services do not account for the current minimum wage requirements; 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. Reimbursement. Resolved:** That the Department of Health and Human Services shall amend its rules to increase MaineCare reimbursement rates for home and community-based services by no less than \$2 an hour for the following services:

- 1. Attendant care services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-directed Attendant Services;

**COMMITTEE AMENDMENT**

1           2. Adult day care and home support services provided under the provisions of  
2 Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home  
3 and Community-based Services for Adults with Brain Injury;

4           3. Attendant care services, personal care services, respite care services, home health  
5 aide services and certified nurse's aide services provided under the provisions of Chapter  
6 101: MaineCare Benefits Manual, Chapter III, Section 19, Home and Community  
7 Benefits for the Elderly and Adults with Disabilities;

8           4. Personal care services, home support services and community support provided  
9 under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section  
10 20, Allowances for Home and Community-based Services for Adults with Other Related  
11 Conditions;

12           5. Home support services, shared living and community support services provided  
13 under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section  
14 21, Allowances for Adults with Intellectual Disabilities or Autism Spectrum Disorder;

15           6. Day care services provided under the provisions of Chapter 101: MaineCare  
16 Benefits Manual, Chapter III, Section 26, Day Health Services;

17           7. Home support services, community support and respite services provided under  
18 the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29,  
19 Allowances for Support Services for Adults with Intellectual Disabilities or Autism  
20 Spectrum Disorder; and

21           8. Personal support services, certified nursing assistant services, home health aide  
22 services and chore services provided under the provisions of Chapter 101: MaineCare  
23 Benefits Manual, Chapter III, Section 96, Private Duty Nursing and Personal Care  
24 Services.

25           **Sec. 2. Reimbursement. Resolved:** That the Department of Health and Human  
26 Services shall amend its rules to increase reimbursement rates for state-funded home and  
27 community-based services by no less than \$2 an hour for the following services:

28           1. Personal assistance provided under the provisions of 14-197 C.M.R. Chapter 11,  
29 Consumer-directed Personal Assistance Services;

30           2. Day care services provided under the provisions of 10-149 C.M.R. Chapter 5,  
31 Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services;

32           3. Attendant care services, personal care services, respite care services, home health  
33 aide services and certified nursing assistant services provided under the provisions of 10-  
34 149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section  
35 63, In-home and Community Support Services for Elderly and Other Adults;

36           4. Respite care services provided under the provisions of 10-149 C.M.R. Chapter 5,  
37 Office of Aging and Disability Services Policy Manual, Section 68, Respite Care Services  
38 for People with Alzheimer's or Related Disorders; and

39           5. Homemaker services provided under the provisions of 10-149 C.M.R. Chapter 5,  
40 Office of Aging and Disability Services Policy Manual, Section 69, Office of Elder  
41 Services Independent Support Services Program.

1           **Sec. 3. Reimbursement. Resolved:** That the Department of Health and Human  
 2 Services shall amend its rules to update per diem calculations to include an increase of no  
 3 less than \$2 an hour for all direct care services for the following residential services  
 4 provided under Chapter 101: MaineCare Benefits Manual, Chapter III:

- 5           1. Section 2, Adult Family Care Services;
- 6           2. Section 50, Principles of Reimbursement for Intermediate Care Facilities for the  
 7 Developmentally Disabled;
- 8           3. Section 67, Principles of Reimbursement for Nursing Facilities; and
- 9           4. Section 97, Private Non-Medical Institution Services, Appendix C.

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

12           **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
 13           **Developmental Services Waiver - MaineCare Z211**

14 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

15 <b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
16           All Other	\$0	\$3,845,649
17		
18           GENERAL FUND TOTAL	\$0	\$3,845,649

19           **Developmental Services Waiver - Supports Z212**

20 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

21 <b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
22           All Other	\$0	\$739,939
23		
24           GENERAL FUND TOTAL	\$0	\$739,939

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

26 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

27 <b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
28           All Other	\$0	\$1,966,046
29		
30           GENERAL FUND TOTAL	\$0	\$1,966,046

31           **Medicaid Services - Developmental Services Z210**

32 Initiative: Provides appropriations and allocations for a rate increase of \$2 an hour for  
 33 certain services.

1	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
2	All Other	\$0	\$258,196
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$258,196</u>

5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
6	All Other	\$0	\$959,798
7			
8	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$959,798</u>

9 **Medicaid Waiver for Brain Injury Residential /Community Serv Z218**  
 10 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

11	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
12	All Other	\$0	\$210,782
13			
14	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$210,782</u>

15 **Medicaid Waiver for Other Related Conditions Z217**  
 16 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

17	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
18	All Other	\$0	\$103,983
19			
20	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$103,983</u>

21 **Medical Care - Payments to Providers 0147**  
 22 Initiative: Provides appropriations and allocations for a rate increase of \$2 an hour for  
 23 certain services.

24	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
25	All Other	\$0	\$2,216,097
26			
27	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$2,216,097</u>

28	<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
29	All Other	\$0	\$35,011,339
30			

1 FEDERAL EXPENDITURES FUND TOTAL \$0 \$35,011,339

2	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
3	All Other	\$0	\$2,004,532
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$2,004,532</u>

6 **Nursing Facilities 0148**

7 Initiative: Provides appropriations and allocations for a rate increase of \$2 an hour for  
8 certain services.

9	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
10	All Other	\$0	\$3,981,384
11			
12	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$3,981,384</u>

13	<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
14	All Other	\$0	\$8,378,263
15			
16	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$8,378,263</u>

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
18	All Other	\$0	\$788,913
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$788,913</u>

21 **Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202**

22 Initiative: Provides appropriations for a rate increase of \$2 an hour for certain services.

23	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
24	All Other	\$0	\$8,565,901
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$8,565,901</u>



1	<b>HEALTH AND HUMAN SERVICES,</b>		
2	<b>DEPARTMENT OF</b>		
3	<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
4			
5	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$21,887,977</b>
6	<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$43,389,602</b>
7	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$3,753,243</b>
8			
9	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$69,030,822</b>

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

12 **SUMMARY**

13 This amendment replaces the bill and makes it a resolve. It implements a  
14 recommendation of the Commission To Study Long-term Care Workforce Issues to  
15 increase reimbursement rates to direct care workers. The amendment requires the  
16 Department of Health and Human Services to increase reimbursement rates to all direct  
17 care worker services that are provided in home and community-based settings and in  
18 institutional settings by no less than \$2 an hour. The amendment adds an emergency  
19 preamble and emergency clause. The amendment also adds an appropriations and  
20 allocations section.

21 **FISCAL NOTE REQUIRED**

22 (See attached)



# 129th MAINE LEGISLATURE

LD 2109

LR 3212(02)

## An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$21,887,977	\$26,289,062	\$26,289,062
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$21,887,977	\$26,289,062	\$26,289,062
Federal Expenditures Fund	\$0	\$43,389,602	\$49,872,978	\$49,872,978
Other Special Revenue Funds	\$0	\$3,753,243	\$4,503,892	\$4,503,892
<b>Revenue</b>				
Federal Expenditures Fund	\$0	\$43,389,602	\$49,872,978	\$49,872,978
Other Special Revenue Funds	\$0	\$3,753,243	\$4,503,892	\$4,503,892

### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$21,887,977 in fiscal year 2020-21 for a rate increase of \$2 an hour for certain services. Federal Expenditures Fund allocations are also included for the FMAP match and Other Special Revenue Funds allocations for the Service Provider Tax.