

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 958

S.P. 310

In Senate, March 9, 2021

**Resolve, Directing the Department of Health and Human Services
To Conduct a Review of Rules Governing In-home Personal Care
Assistance Services**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.
Cosponsored by Senators: BAILEY of York, CLAXTON of Androscoggin, Representatives:
RECKITT of South Portland, WHITE of Waterville.

1 **Sec. 1. Review of rules governing direct care services. Resolved:** That the
2 Department of Health and Human Services shall review its rules governing the provision
3 of and reimbursement for direct care services provided in the home to assist individuals
4 with the activities of daily living and the instrumental activities of daily living. The review
5 must include direct care services provided in the home by home health aides, certified
6 nursing assistants, direct support professionals, personal support specialists and unlicensed
7 assistive personnel. The department shall include providers, consumers, direct care
8 workers, the long-term care ombudsman and other interested parties in the review process.
9 The review must examine the manner in which entities providing direct care services to
10 affected individuals provide information, such as advance notice of staff absences,
11 termination of services and training requirements, and ensure supervision and quality care
12 and protection of vulnerable people receiving care. The review must include, but is not
13 limited to, direct care provided in the home under the following Department of Health and
14 Human Services rules:

15 1. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 12, Consumer
16 Directed Attendant Services;

17 2. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 18, Home and
18 Community-Based Services for Adults with Brain Injury;

19 3. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19, Home and
20 Community Benefits for the Elderly and Adults with Disabilities;

21 4. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 20, Home and
22 Community Based Services for Adults with Other Related Conditions;

23 5. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and
24 Community Benefits for Members with Intellectual Disabilities or Autism Spectrum
25 Disorder;

26 6. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 29, Support Services
27 for Adults with Intellectual Disabilities or Autism Spectrum Disorder;

28 7. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 40, Home Health
29 Services;

30 8. Chapter 101: MaineCare Benefits Manual, Chapter II, Section 96, Private Duty
31 Nursing and Personal Care Services;

32 9. Office of Aging and Disability Services Policy Manual, Part 1, Chapter 5, Section
33 63, In-Home and Community Support Services for Elderly and Other Adults;

34 10. Office of Aging and Disabilities Services Policy Manual, Part 2, Chapter 11,
35 Consumer Directed Personal Assistance Services;

36 11. Chapter 119, Regulations Governing the Licensing and Functioning of Home
37 Health Care Services; and

38 12. Chapter 129, Rules and Regulations Governing In-Home Personal Care and
39 Support Workers.

40 The department shall complete its review and report its findings and recommendations,
41 no later than January 1, 2023, to the Joint Standing Committee on Health and Human

1 Services. The committee may report out legislation based on the department's findings to
2 the First Regular Session of the 131st Legislature.

3 **SUMMARY**

4 This resolve requires the Department of Health and Human Services to review rules
5 that relate to direct care services provided in the home to assist individuals with the
6 activities of daily living and the instrumental activities of daily living. The review must
7 examine how entities providing direct care services to affected individuals provide
8 information, such as advance notice of staff absences, termination of services and training
9 requirements, and ensure supervision and quality care and protection of vulnerable people
10 receiving care. The department is required to submit its findings and recommendations to
11 the Joint Standing Committee on Health and Human Services no later than January 1, 2023.