

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 208

H.P. 129

House of Representatives, January 20, 2023

### An Act Concerning Home Care 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 CRAVEN of Lewiston.

Cosponsored by Representatives: CLOUTIER of Lewiston, FAY of Raymond, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, PERRY of Calais, RIELLY of Westbrook, SHAGOURY of Hallowell, Senator: CURRY of Waldo.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 1629** is enacted to read:

3 **CHAPTER 1629**

4 **WAITING LIST AND ASSESSMENTS FOR HOME CARE SERVICES**

5 **§7411. Public information regarding certain home care services**

6 **1. Definition.** As used in this section, unless the context otherwise indicates,  
7 "individuals eligible for home care services" means:

8 A. Individuals who are elderly or disabled and whom the department determines are  
9 eligible for care provided in a nursing facility setting in accordance with the procedures  
10 described in section 3174-I, but for whom care can be appropriately provided in the  
11 individual's home or other residential community setting under a waiver granted by the  
12 United States Department of Health and Human Services, Centers for Medicare and  
13 Medicaid Services for home-based and community-based care and who choose to  
14 receive care in the individual's home or other residential community setting; or

15 B. Individuals whom the department determines are eligible for private duty nursing  
16 and personal care services provided in a residential setting or other setting where  
17 normal life activities take place.

18 **2. Waiting list established.** The department shall establish and maintain a waiting  
19 list of individuals eligible for home care services.

20 **3. Publicly available information.** The department shall publish on its publicly  
21 accessible website the following real-time data relating to the waiting list established  
22 pursuant to subsection 2, including the number of:

23 A. Individuals eligible for home care services who are fully served;

24 B. Individuals eligible for home care services who are partially served and the number  
25 of unstaffed hours for those individuals;

26 C. Individuals eligible for home care services who are waiting for services and the  
27 number of unstaffed hours for those individuals;

28 D. Days, on average, individuals eligible for home care services wait to receive  
29 services; and

30 E. Individuals eligible for home care services, broken down by county, who are fully  
31 served and partially served.

32 **4. Annual report.** Beginning February 1, 2024 and annually thereafter, the  
33 department shall submit to the joint standing committee of the Legislature having  
34 jurisdiction over health and human services matters a report on the waiting list of  
35 individuals eligible for home care services established in accordance with this section. The  
36 report must include the department's plans to clear the waiting list and ensure that  
37 individuals eligible for home care services are receiving services for all the hours for which  
38 they are eligible.

1 **§7412. Assessments for children eligible for home care services**

2 Beginning January 15, 2024, the department shall contract with a 3rd-party entity,  
 3 including but not limited to an assessment services agency that determines eligibility for  
 4 programs and services, to conduct assessments for children who have not attained 21 years  
 5 of age who the department determines are eligible for private duty nursing and personal  
 6 care services provided in a residential setting or other setting where normal life activities  
 7 take place.

8 **Sec. 4. Waiting list and publicly available information.** In accordance with  
 9 the Maine Revised Statutes, Title 22, chapter 1629, the Department of Health and Human  
 10 Services shall, no later than January 15, 2024, establish a waiting list of MaineCare  
 11 members eligible for home care services under rule Chapter 101: MaineCare Benefits  
 12 Manual, Chapters II and III, Section 19, Home and Community Benefits for the Elderly  
 13 and Adults with Disabilities, and Section 96, Private Duty Nursing and Personal Care  
 14 Services.

15 **SUMMARY**

16 This bill requires the Department of Health and Human Services to establish a waiting  
 17 list of individuals eligible for home care services under rule Chapter 101: MaineCare  
 18 Benefits Manual, Chapters II and III, Section 19, Home and Community Benefits for the  
 19 Elderly and Adults with Disabilities, and Section 96, Private Duty Nursing and Personal  
 20 Care Services, and to publish certain information about the waiting list on its publicly  
 21 accessible website. It requires the department to submit an annual report to the joint  
 22 standing committee of the Legislature having jurisdiction over health and human services  
 23 matters relating to the waiting list.

24 The bill requires the department to contract with a 3rd-party entity to conduct  
 25 assessments for children who have not attained 21 years of age who the department  
 26 determines are eligible for private duty nursing and personal care services provided in a  
 27 residential setting or other setting where normal life activities take place.