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H.P. 428

House of Representatives, February 16, 2023

An Act to Promote Seamless and Flexible Home and Community Supports Across the Lifespan for Individuals with Intellectual and Developmental Disabilities or Autism

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204. Reference to the Committee on Health and Human Services suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative CROCKETT of Portland.

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

2 Sec. 1. Home and community-based lifespan program. The Department of Health and Human Services shall adopt routine technical rules pursuant to the Maine 3 Revised Statutes, Title 5, chapter 375, subchapter 2-A establishing a MaineCare home and 4 5 community-based lifespan program for individuals with intellectual and developmental 6 disabilities, autism or other related conditions, referred to in this Act as "the lifespan program." On or after January 1, 2025, the department may begin enrollment in the lifespan 7 8 The department may seek waivers or other approvals from the federal program. 9 Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the lifespan program. The goals of the lifespan program are to: 10

Flexibility across the lifespan. Provide home and community-based supports that
can change over the member's lifespan as a member as described in this section and the
persons who provide support to that member get older, without needing to move from one
waiver program to another;

2. Seamless transitions. Expand upon the department's current childhood-to adulthood transition initiatives by including children beginning at 14 years of age and
enable smooth transitions at later life stages;

3. Early planning for independence. Emphasize in-home supports, independent
living skills and employment services for youth to prepare them for as much independence
as possible in adulthood;

4. Innovation. Include service innovations currently under development, such as tiered shared living, standardized assessment of need, enhanced medical and behavioral health supports, self-direction, innovative employment supports, independent living options and remote support technology, including models of support that can be successfully implemented with a smaller workforce; and

5. Simplified and effective payment methods. Include alternative payment methods
to promote quality and efficiency and reduce the administrative burden for service
providers and the department.

29 Sec. 2. Relationship to existing programs. The Department of Health and 30 Human Services shall implement the lifespan program in 2 phases. The target group for phase 1 of the lifespan program includes adults who would qualify for home and 31 32 community-based services programs under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21 or 29 and children beginning at 14 years of age who would meet all 33 34 other eligibility criteria for Section 21 or 29 except age. The target group for phase 2 of the lifespan program may include adults who would qualify for home and community-35 based services programs under rule Chapter 101: MaineCare Benefits Manual, Chapter II, 36 37 Section 20 and children beginning at 14 years of age who would meet all other eligibility criteria for Section 20 except age. When the lifespan program opens for phase 1 38 enrollment, new enrollment under Sections 21 and 29 will be closed. Members who are 39 40 enrolled under Section 21 or 29 when enrollment is closed have the option of continuing in 41 their current program or applying for enrollment in the lifespan program during phase 2. Individuals who are on a waiting list for enrollment under Section 21 or 29 when the 42 lifespan program opens will be transferred to the lifespan program waiting list. 43

1 **Sec. 3.** Appropriations. Any appropriations made for the lifespan program may be 2 used for purposes of the Department of Health and Human Services rule Chapter 101: 3 MaineCare Benefits Manual, Chapter II, Section 29 until the lifespan program opens for 4 enrollment. When the lifespan program opens for enrollment, any unused appropriations 5 for reserve slots in rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21 6 must be used for the lifespan program for the same purpose. When the lifespan program 7 opens for enrollment, any appropriations for Section 21 or 29 that become available as a 8 result of attrition of enrollment under Section 21 or 29 must be used for the lifespan 9 program to expand access in that program.

10 Sec. 4. Lifespan stakeholder advisory group. The Department of Health and 11 Human Services shall create a lifespan stakeholder advisory group to advise the department 12 on development and implementation of the lifespan program. The stakeholder advisory 13 group must include self-advocates; family members and other persons who provide 14 support; advocates; service providers; and experts from higher education or research 15 organizations. The stakeholder advisory group shall meet at least 4 times per year until 16 phase 2 implementation of the lifespan program is complete.

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SUMMARY

18 This bill requires the Department of Health and Human Services to adopt rules to 19 implement a MaineCare home and community-based lifespan program. Initially, the 20 program will enroll individuals with intellectual and developmental disabilities or autism 21 and, during a 2nd phase, individuals with other related conditions will be added. Compared 22 to the existing rule Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 21 and 23 29 waiver programs, the lifespan program will enable supports to change over time within 24 one program as an individual's needs change or the needs of persons who provide support 25 to that individual change. Also, eligibility for the lifespan program will begin at a younger 26 age, enabling a smoother transition from children's services to adult services. Once the 27 lifespan program becomes operational, new enrollment under Sections 21 and 29 will be 28 closed, but existing participants of those programs will have the option of continuing in 29 their current waiver programs or transitioning to the lifespan program during the 2nd phase.