

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1238

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H.P. 786

House of Representatives, March 21, 2023

**An Act to Require Reporting on the Percentage of Approved Care  
Being Delivered to Individuals**

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

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative CLUCHEY of Bowdoinham.  
Cosponsored by Representatives: CRAVEN of Lewiston, FAY of Raymond, GATTINE of  
Westbrook, JAVNER of Chester, ZAGER of Portland, Senator: MOORE of Washington.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Data collection and reporting regarding care**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Approved care" means care services provided by an essential support worker to  
7 older persons, persons with physical or intellectual disabilities and persons with  
8 behavioral health challenges that have been authorized for reimbursement or direct  
9 payment under the MaineCare program, a federal waiver or another state program.

10 B. "Essential support worker" has the same meaning as in section 7401, subsection 3.

11 **2. Data collection required.** The department shall establish a process to collect data  
12 relevant to the report described in subsection 3 about approved care provided to MaineCare  
13 members, persons receiving home or community-based approved care under a federal  
14 waiver or persons receiving approved care under another state program.

15 **3. Report required.** On a quarterly basis, the department shall publish a report and  
16 make that report available to the public. The report must include the following information,  
17 categorized by county:

18 A. The number of individuals receiving:

19 (1) Zero percent of the amount of approved care the individual is approved to  
20 receive;

21 (2) One percent to 25% of the amount of approved care the individual is approved  
22 to receive;

23 (3) Twenty-six percent to 50% of the amount of approved care the individual is  
24 approved to receive;

25 (4) Fifty-one percent to 75% of the amount of approved care the individual is  
26 approved to receive;

27 (5) Seventy-six percent to 90% of the amount of approved care the individual is  
28 approved to receive; and

29 (6) Ninety-one percent to 100% of the amount of approved care the individual is  
30 approved to receive;

31 B. The number of beds that are licensed and physically available and have no current  
32 staff on hand to attend to a patient who would occupy the bed in residential facilities  
33 that provide approved care; and

34 C. If there is a waiting list for approved care, the number of individuals on the waiting  
35 list.

36 **Sec. 2. First report.** The Department of Health and Human Services shall publish  
37 the first report required by the Maine Revised Statutes, Title 22, section 3197 no later than  
38 March 1, 2024.

**SUMMARY**

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This bill requires the Department of Health and Human Services to collect and publish data on a quarterly basis relating to care services provided by an essential support worker that have been authorized for reimbursement or direct payment under the MaineCare program, a federal waiver or another state program.