

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1521

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H.P. 976

House of Representatives, April 5, 2023

**An Act to Support the Essential Support Workforce by Promoting  
Enhanced Reimbursement and Benefits and Encouraging  
Information Sharing**

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Reference to the Committee on Health Coverage, Insurance and Financial Services  
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLUCHEY of Bowdoinham.  
Cosponsored by Representatives: CLOUTIER of Lewiston, FAY of Raymond, GOLEK of  
Harpwell, MILLETT of Cape Elizabeth, RECKITT of South Portland, Speaker TALBOT  
ROSS of Portland.

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

2 **Sec. 1. 22 MRSA §7305, sub-§5** is enacted to read:

3 **5. Mileage reimbursement.** The department shall reimburse a worker providing in-  
4 home care, including a personal care assistant as defined in section 7302, subsection 8, a  
5 provider as defined in section 7302, subsection 9 and an essential support worker as defined  
6 in section 7401, subsection 3, for mileage accrued when traveling between clients, if the  
7 worker is visiting more than one client during a 24-hour period, and for mileage over 15  
8 miles accrued when traveling to and from visiting a client. Mileage reimbursement must  
9 be provided at the standard federal mileage rate as established by the United States Internal  
10 Revenue Service.

11 **Sec. 2. 22 MRSA §7310** is enacted to read:

12 **§7310. Enhanced service coordination**

13 **1. Benefit established.** The department shall establish an enhanced service  
14 coordination benefit.

15 **2. Eligible members.** The following individuals are eligible for the enhanced service  
16 coordination benefit under this subsection:

17 A. Adult MaineCare members who are elderly or disabled and whom the department  
18 determines are eligible for care provided in a nursing facility setting in accordance with  
19 the procedures described in section 3174-I but for whom care can be appropriately  
20 provided in a home or other residential community setting under a waiver granted by  
21 the United States Department of Health and Human Services, Centers for Medicare and  
22 Medicaid Services for home-based and community-based care and who choose to  
23 receive care in a home or other residential community setting;

24 B. Adult MaineCare members whom the department determines are eligible for private  
25 duty nursing and personal care services provided in a residential setting or other setting  
26 where normal life activities take place; and

27 C. Adults who are elderly or disabled who are receiving state-funded in-home and  
28 community support services.

29 **3. Services.** The enhanced service coordination benefit under this subsection must  
30 provide for enhanced case management services, including making and following up on  
31 referrals, transporting individuals to and from medical appointments and other services  
32 necessary to meet the needs established in the individual's plan of care.

33 **Sec. 3. 22 MRSA c. 1629** is enacted to read:

34 **CHAPTER 1629**

35 **ESSENTIAL SUPPORT WORKER AND IN-HOME CARE WORKER**  
36 **REGISTRIES**

37 **§7421. Essential support worker registry**

38 The department shall establish a voluntary registry of essential support workers as  
39 defined in section 7401, subsection 3. The registry shall include the capability for workers

1 to voluntarily upload, update, store and share employment paperwork, documents,  
2 credentials, training certificates, vaccination records and statuses, background check  
3 verifications, documents required by the MaineCare program and other necessary  
4 documents with providers, financial intermediaries and self-directing consumers.

5 **§7422. In-home care worker registry**

6 The department shall establish a voluntary registry of workers and entities providing  
7 in-home care, including personal care assistants as defined in section 7302, subsection 8  
8 and providers as defined in section 7302, subsection 9. The registry shall include a publicly  
9 accessible listing of in-home care providers and their service areas.

10 **Sec. 4. 22 MRSA §9053, sub-§28-A** is enacted to read:

11 **28-A. Portability.** "Portability" means the ability of a direct access worker to transfer  
12 the results of a background check report and information from the rap back monitoring  
13 program to a new employer.

14 **Sec. 5. 22 MRSA §9055, sub-§3** is enacted to read:

15 **3. Fee waiver.** The department shall waive the user fee described in subsection 1 for  
16 providers who use the Background Check Center to conduct background checks on  
17 essential support workers as defined in section 7401, subsection 3.

18 **Sec. 6. 22 MRSA §9066** is enacted to read:

19 **§9066. Portability**

20 **1. Portability authorized.** A direct access worker may choose to transfer the direct  
21 access worker's background check report to the new employer. The direct access worker  
22 may choose to transfer confidential information contained in the direct access worker's  
23 background check report when:

24 A. The direct access worker agrees to submit to the requirements of this chapter;

25 B. The direct access worker signs a statement releasing the confidential information  
26 to the new employer;

27 C. The employer verifies and documents that the direct access worker has submitted  
28 the mandatory identity verification and employment eligibility documents required by  
29 rules adopted in accordance with this chapter; and

30 D. The employer ensures the background check was completed within the last 5 years  
31 and enters the direct access worker into the rap back monitoring program.

32 **Sec. 7. Health insurance for essential support workers.** The Department of  
33 Health and Human Services shall examine the feasibility and projected cost of providing  
34 health insurance to all essential support workers, as defined in the Maine Revised Statutes,  
35 Title 22, section 7401, subsection 3, through the MaineCare program, the state employee  
36 health plan, the provision of premium subsidies for commercial health insurance or another  
37 mechanism. In drafting its recommendations, the department shall seek input from the  
38 Essential Support Workforce Advisory Committee. The department shall submit a report  
39 including recommendations, a review of all options considered by the department and the  
40 pros, cons and costs and savings of each option to the joint standing committee of the  
41 Legislature having jurisdiction over health and human services matters by December 6,  
42 2023.

**SUMMARY**

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This bill implements a number of initiatives for essential support workers and in-home care workers. It establishes provider registries, waives background check fees for essential support workers and makes those background checks portable, establishes an enhanced service coordination benefit and directs the Department of Health and Human Services to study the feasibility of providing health insurance or subsidies for insurance to essential support workers.