

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

1999-00                      2000-01  
**EDUCATION, DEPARTMENT  
 OF**

**John H. Reed-Kenneth M.  
 Curtis Peace Fellowship**

|   |          |          |
|---|----------|----------|
| All Other   | \$37,500 | \$37,500 |
| Provides funds to capitalize the John H. Reed-Kenneth M. Curtis Peace Fellowship. |          |          |

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 11, 1999.

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**CHAPTER 72**

**H.P. 1572 - L.D. 2220**

**Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult

Services Policy Manual, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized as long as the rules are amended as follows.

1. On page 47 in paragraph (D), the entry on consumer payments in the adult day services program must be amended to provide for payments at 3 levels, as follows:

| Income as % of federal poverty level | Co-pay |
|--------------------------------------|--------|
| less than 300%                       | 20%    |
| 300 to 400%                          | 35%    |
| over 400%                            | 50%.   |

2. On page 54 in paragraph (E), the entry on consumer payments in the congregate housing services program must be amended to provide for payments at 3 levels as follows:

| Income as % of federal poverty level | Co-pay |
|--------------------------------------|--------|
| less than 300%                       | 20%    |
| 300 to 400%                          | 35%    |
| over 400%                            | 50%.   |

3. On page 89 in paragraph (E), the entry on consumer payments in the program on respite care for people with Alzheimer's or related disorders must be amended to provide for payments at 3 levels as follows:

| Income as % of federal poverty level | Co-pay |
|--------------------------------------|--------|
| less than 300%                       | 20%    |
| 300 to 400%                          | 35%    |
| over 400%                            | 50%.   |

4. On page 91 in paragraph (B), the entry on consumer payments in the Bureau of Elder and Adult Services Administered Homemaker Services program must be amended to provide for payments at 3 levels as follows:

| Income as % of federal poverty level | Co-pay |
|--------------------------------------|--------|
| less than 300%                       | 20%    |
| 300 to 400%                          | 35%    |
| over 400%                            | 50%.   |

5. Calculation of consumer income in the consumer-directed home based care program must include spouse's income, phased in over 2 years. From February 1, 2000 to December 30, 2000, 50% of the spouse's income must be included in household income. From January 1, 2001, 100% of the spouse's income must be included in household income.

6. Calculation of consumer payments in the elders and disabled adults home based care program must include a percentage of consumer income, phased in over 2 years. From February 1, 2000, to January 1, 2001, 4% of income must be applied to the consumer payment. From January 1, 2001, 5% of income must be applied to the consumer payment.

7. The rule takes effect February 1, 2000.

8. The Department of Human Services shall convene a working group of interested parties. The working group must consist of the following interest groups: providers of services, representatives of the department and consumers of services, equally divided among consumers of services for the elderly or representatives of those consumers and consumers of services for disabled persons or representatives of those consumers. The department shall provide notice of all meetings to the Joint Standing Committee on Health and Human Services.

The working group shall review the current rules, the provisionally adopted major substantive rules, the impact on consumers and comparisons of consumer payments among different programs administered by the Bureau of Elder and Adult Services as well as comparing these co-payments with co-payments in other programs administered by the department. The working group shall review options for establishing an equitable co-payment system for home based care programs. In reviewing the impact of the provisionally adopted rules, the working group shall consider the number of consumers affected, how household income and assets will be affected, the impact of using a different approach to assets, the definition of liquid assets, allowances for family size, administrative costs among different providers of services, wages, benefits, hours and overtime of employees of the providers of services and other issues as determined by the working group.

The working group shall report to the Joint Standing Committee on Health and Human Services by January 5, 2000 with recommendations supported by all or a majority of the working group members.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 11, 1999.

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**CHAPTER 73**

**H.P. 447 - L.D. 610**

**Resolve, to Increase Access to Medicaid for People who Need Psychological Services**

**Sec. 1. Increase in reimbursement. Resolved:** That, beginning October 1, 2000, the Department of Human Services shall increase by 25% reimbursement under the Medicaid program for psychological testing, treatment and evaluation services by licensed psychologists and licensed psychological examiners. The department shall adopt rules to implement the reimbursement increase. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 2. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**2000-01**

**HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to  
Providers**

|           |           |
|-----------|-----------|
| All Other | \$111,446 |
|-----------|-----------|

Provides funds to increase the Medicaid reimbursement rate for licensed psychologists and licensed psychological examiners.

; and be it further

**Sec. 3. Allocation. Resolved:** That the following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this resolve.

**2000-01**

**HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to  
Providers**

|           |           |
|-----------|-----------|
| All Other | \$218,911 |
|-----------|-----------|

Provides funds for the federal matching share of the increase in the Medicaid reimbursement rate for licensed psychologists and licensed psychological examiners.

See title page for effective date.

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