

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

**RESOLVES OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
2013**

**CHAPTER 79
S.P. 12 - L.D. 20**

**Resolve, Directing the
Department of Health and
Human Services To Review the
Need for and the Costs of
Services That Enable
Populations Who Are Elderly
or Have Disabilities To Live
Independently**

Sec. 1. Review of need for services, costs and potential savings. Resolved: That by December 1, 2013 the Department of Health and Human Services shall begin a review and analysis of the need for services for instrumental activities of daily living among the State's populations who are elderly or who have disabilities, the costs of providing services and the potential for savings. For the purposes of this section, "instrumental activities of daily living" means essential, nonmedical tasks that enable the consumer to live independently in the community, including light housework, preparing meals, taking medications, shopping for groceries or clothes, using the telephone, managing money and other similar activities. The department shall evaluate:

1. The needs and costs for services for instrumental activities of daily living for persons receiving services under the state-funded homemaker services program and persons on the waiting list for those services;
2. The needs and costs for other services including Medicaid services and services at an institutional level of care for persons receiving services under the state-funded homemaker services program and persons on the waiting list for those services;
3. The possibility of achieving savings from obtaining a Medicaid waiver for instrumental activities of daily living;
4. The possibility of prioritizing the provision of services among applicants for homemaker services based on the needs of the applicants;
5. The possibility of prioritizing the provision of services among applicants for homemaker services based on the applicants' access to other supports; and
6. Projections for service needs and costs over the next 5 years.

In performing the review and analysis under this section, the department may work with the Muskie School of Public Service at the University of Southern Maine; and be it further

Sec. 2. Inquiry regarding Medicaid waiver or state plan amendment. Resolved: That by January 1, 2014 the Department of Health and Human Services shall submit an inquiry to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services regarding the feasibility of obtaining a Medicaid waiver or a state plan amendment to enable the State to provide coverage for instrumental activities of daily living, as defined in section 1, under the MaineCare program. The inquiry must provide to the Centers for Medicare and Medicaid Services information regarding the need for services for instrumental activities of daily living among persons currently receiving services under the state-funded homemaker services program and persons currently on the waiting list for those services and the potential for savings from providing services under the Medicaid program; and be it further

Sec. 3. Application for waiver or state plan amendment. Resolved: That if based on the review of costs and potential savings in section 1 and if, in response to the inquiry made under section 2, the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services indicates that it is feasible for the State to obtain a Medicaid waiver or state plan amendment to enable the State to provide coverage for instrumental activities of daily living, as defined in section 1, the Department of Health and Human Services shall apply by July 1, 2014 for the necessary waiver or submit the state plan amendment using the information gathered pursuant to the review of the need for services, the analysis of costs and potential savings and the projection of needs and costs undertaken pursuant to section 1.

See title page for effective date.
