

MAINE STATE LEGISLATURE

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The Maine Long-Term Care
OMBUDSMAN
Program

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January 3, 2022

Senator Ned Claxton, Senate Chair
Representative Michele Meyer, House Chair
Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, Maine 04333-0100

Dear Senator Claxton and Representative Meyer,

I am responding to your letter of June 14, 2021 requesting that the stakeholder group established pursuant to LD 1624, Resolve To Create a Stakeholder Group To Identify the Needs of Family Caregivers consider the issue of payment to family members who provide care and its potential impact on MaineCare eligibility. Your request was made in response to LD 1427, An Act To Encourage Family Care of Aging Adults. As you know, this legislation proposed allowing an exemption in estate recovery for paid caregiving by family members, and allowing a lower standard of proof that the MaineCare applicant did not make a transfer when paying a family member for providing care in order to qualify for MaineCare.

The issues raised by LD 1427 are important to family caregivers across the state and the older and disabled individuals who rely upon them for their care. The stakeholder group established by LD 1624 met to consider a number of complex issues related to the implementation of a family caregiver needs assessment. Unfortunately, the limited number of meetings for the work of this group did not allow sufficient time to consider payment of family members who provide care.

In response to your request, I would be pleased to convene a group along with representatives from Legal Services for the Elderly, Disability Rights Maine, the Department of Health and Human Services and other interested parties to consider measures that would address payment of family caregivers and its potential impact on MaineCare eligibility. At the conclusion of our meetings, we would report back to you about any recommendations we may have.

Thank you for your consideration.

Sincerely,

Brenda Gallant
Executive Director
Maine Long Term Care Ombudsman Program

cc Members, Joint Standing Committee on Health and Human Services
Representative Tavis Rock Hasenfus

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STATE OF MAINE ONE HUNDRED AND THIRTIETH LEGISLATURE COMMITTEE ON HEALTH AND HUMAN SERVICES

June 14, 2021

Brenda Gallant, Long-Term Care Ombudsman
Long Term Care Ombudsman Program
61 Winthrop Street
Augusta, ME 04330

Dear Ms. Gallant,

The Health and Human Services Committee recently considered [LD 1427](#), An Act To Encourage Family Care of Aging Adults. This bill would have made it easier for family members to be paid under MaineCare for taking care of another family member, allow an exemption in estate recovery for such services, and allow for a lower standard of proof that the MaineCare applicant didn't make a transfer in order to qualify for MaineCare. The Committee voted Ought Not To Pass. It was unclear to us what might be allowable under federal law particularly in the area of estate recovery.

We are writing to you specifically regarding the issue of encouraging family members to take care of another family member at home and be paid for that work by MaineCare or an equivalent state-funded program. As you know, this topic was also raised during the Commission to Study Long-term Care Workforce Issues meetings. There are currently some circumstances where it is possible under MaineCare Sections 12 and 19 and state-funded Section 63 and Chapter 11. We are hopeful that you may be able to find a way to include this topic within your stakeholder group established pursuant to LD 1624, Resolve, to Create a Stakeholder Group to Identify the Needs of Long-term Care Family Caregivers. We understand that the stakeholder group is focused on identifying and implementing a family caregiver assessment tool to meet the requirements of the reauthorization of the Older Americans Act. If this issue cannot be discussed within the purview of the LD 1624 stakeholder group, we would welcome any recommendations that you may have from any of your other work on paid family caregiving.

We look forward to a presentation from you or your staff in January 2022 regarding the LD 1624 stakeholder group report. We will also welcome any recommendations or feedback that you may have on how we can encourage and extend paid family caregiving at that time as well. Thank you for all the very valuable work that your office does.

Sincerely,

Sen. Ned Claxton
Senate Chair

Rep. Michele Meyer
House Chair

cc: Members, Joint Standing Committee on Health and Human Services
Molly Bogart, Government Relations Director, Department of Health and Human Services
Representative Tavis Rock Hasenfus, LD 1427 sponsor