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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1432, L.D. 2117, “Resolve, Directing the Department of Health and Human Services to Amend Its Rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder”

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding the Process of Filling Vacancies in Certain Group Homes for Individuals with Intellectual Disabilities or Autism Spectrum Disorder'

Amend the resolve by striking out everything after the title and inserting the following:

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

Whereas, certain individuals who receive services under the MaineCare waiver program serving individuals with intellectual disabilities or autism spectrum disorder and have resided in 2-person group homes for 5 years or longer face eviction because suitable housemates have not been identified to fill vacancies as required by current rule; and

Whereas, immediate enactment of this resolve is necessary to update rules related to filling residential vacancies in 2-person group homes to prevent certain individuals from being evicted; 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. Department of Health and Human Services to amend MaineCare Benefits Manual; residential vacancies in 2-person group homes. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder pertaining to filling a residential vacancy in a 2-person group

COMMITTEE AMENDMENT

1 home when, on the effective day of this resolve, the remaining resident has resided at the
 2 remaining resident member's current address for at least 5 years. The amended rules must:

3 1. Require that, before a provider sends a letter to the remaining resident member in
 4 the 2-person group home in which there is a vacancy informing that the member will
 5 receive an eviction notice in 30 days if the vacancy cannot be filled, the provider and the
 6 department must, for a period of 120 calendar days, attempt to identify another member to
 7 fill the vacancy. The 120 calendar days runs from the date of vacancy; and

8 2. Establish an exception that allows the department, upon the request of a provider,
 9 to extend the 120-day period in subsection 1 if the provider demonstrates to the department
 10 that the health and safety needs of the remaining resident continue to be met and active and
 11 ongoing efforts have been made and are being made to identify a suitable housemate.

12 Extensions may be granted in increments of 60 calendar days. Extensions must be
 13 requested in writing. A request for a first extension must be submitted prior to the
 14 expiration of the initial 120-day period described in subsection 1, and a request for any
 15 subsequent extension must be submitted prior to the expiration of the current extension.

16 **Sec. 2. Federal approval; contingent effective date. Resolved:** That the
 17 department shall seek any approvals necessary from the United States Department of
 18 Health and Human Services, Centers for Medicare and Medicaid Services to implement the
 19 requirements of this resolve. If approval is not received, the requirements of section 1 of
 20 this resolve do not take effect.

21 **Sec. 3. Appropriations and allocations. Resolved:** That the following
 22 appropriations and allocations are made.

23 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 24 **Developmental Services Waiver - MaineCare Z211**

25 Initiative: Provides funding to cover additional expenses to MaineCare for exceptions for
 26 filling vacancies in group homes provided to residents who have been at their address for
 27 more than 5 years.

28 GENERAL FUND	2025-26	2026-27
29 All Other	\$0	\$349,027
30		
31 GENERAL FUND TOTAL	\$0	\$349,027

32 **Medical Care - Payments to Providers 0147**

33 Initiative: Provides funding to cover additional expenses to MaineCare for exceptions for
 34 filling vacancies in group homes provided to residents who have been at their address for
 35 more than 5 years.

36 FEDERAL EXPENDITURES FUND	2025-26	2026-27
37 All Other	\$0	\$541,120
38		
39 FEDERAL EXPENDITURES FUND TOTAL	\$0	\$541,120

40
 41 **HEALTH AND HUMAN SERVICES,**
 42 **DEPARTMENT OF**

1	DEPARTMENT TOTALS	2025-26	2026-27
2			
3	GENERAL FUND	\$0	\$349,027
4	FEDERAL EXPENDITURES FUND	\$0	\$541,120
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$890,147

7 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
8 takes effect when approved.'

9 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
10 section number to read consecutively.

11 **SUMMARY**

12 This amendment does the following.

13 1. It removes from the resolve provisions that relate to vacancies in 2-person group
14 homes for persons with intellectual disabilities or autism spectrum disorder related to
15 hospitalizations.

16 2. It narrows the exception to those residents who have lived at the current address for
17 at least 5 years at the time of enactment of the resolve.

18 3. It requires the Department of Health and Human Services to seek federal approval
19 for the requirements of the resolve. If approval is not received, the requirements of the
20 resolve do not take effect.

21 4. It adds an emergency preamble and emergency clause to the resolve.

22 **FISCAL NOTE REQUIRED**

23 **(See attached)**