



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 464

H.P. 281

House of Representatives, February 7, 2023

**An Act to Eliminate Waiting Lists for Community-based Services
for People with Autism Spectrum Disorder, Intellectual Disability,
Brain Injury or Other Related Conditions**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative OSHER of Orono.
Cosponsored by Senator MOORE of Washington and
Representatives: GATTINE of Westbrook, JAUCH of Topsham, PERRY of Bangor,
SHAGOURY of Hallowell, WARREN of Scarborough, WILLIAMS of Bar Harbor, Senator:
TIPPING of Penobscot.

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

3 **Whereas,** persons with disabilities have the right to dignity and to receive the support
4 they need to work and to be otherwise included in their communities; and

5 **Whereas,** many persons with disabilities have an urgent need for adult home and
6 community-based services to provide support and to enable their family members to work;
7 and

8 **Whereas,** as of December 2019, more than 180 persons on the MaineCare Section 21
9 waiver waiting lists were receiving no services at all; and

10 **Whereas,** providing services for more MaineCare members eligible for Section 29
11 services ensures dignity and safety; and

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

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

17 **Sec. 1. Appropriations and allocations.** The following appropriations and
18 allocations are made.

19 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

20 **Developmental Services - Community Z208**

21 Initiative: Provides funding to establish one Human Services Casework Supervisor
22 position, 2 Human Services Caseworker positions, one Social Services Program Specialist
23 II position, 3 DD Resource Coordinator positions and one Office Specialist position to
24 handle the influx of members entering the waiver programs.

25 GENERAL FUND	2023-24	2024-25
26 POSITIONS - LEGISLATIVE COUNT	8,000	8,000
27 Personal Services	\$353,879	\$370,648
28 All Other	\$39,360	\$39,360
29		
30 GENERAL FUND TOTAL	<u>\$393,239</u>	<u>\$410,008</u>

31 **Developmental Services Waiver - MaineCare Z211**

32 Initiative: Provides appropriations to provide services to individuals with developmental
33 disabilities or autism spectrum disorder on the waiting list for community-based services
34 provided under the department's rule Chapter 101: MaineCare Benefits Manual, Chapters
35 II and III, Section 21, Home and Community Benefits for Members with Intellectual
36 Disabilities or Autism Spectrum Disorder.

37 GENERAL FUND	2023-24	2024-25
38 All Other	\$7,412,627	\$28,629,652
39		
40 GENERAL FUND TOTAL	<u>\$7,412,627</u>	<u>\$28,629,652</u>

41 **Developmental Services Waiver - Supports Z212**

1 Initiative: Provides appropriations to provide services to individuals with developmental
 2 disabilities or autism spectrum disorder on the waiting list for community-based services
 3 provided under the department's rule Chapter 101: MaineCare Benefits Manual, Chapters
 4 II and III, Section 29, Support Services for Adults with Intellectual Disabilities or Autism
 5 Spectrum Disorder.

6	GENERAL FUND	2023-24	2024-25
7	All Other	\$167,640	\$773,691
8			
9	GENERAL FUND TOTAL	<u>\$167,640</u>	<u>\$773,691</u>

10 **Long Term Care - Office of Aging and Disability Services 0420**

11 Initiative: Provides funding to eliminate the waiting lists for services provided under the
 12 department's rule Chapter 10-149: Office of Aging and Disability Services, Chapter 5,
 13 Office of Aging and Disability Services Policy Manual, Section 63, In-Home and
 14 Community Support Services for Elderly and Other Adults, and Chapter 14-197: Office of
 15 Aging and Disability Services, Chapter 11, Consumer Directed Personal Assistance
 16 Services.

17	GENERAL FUND	2023-24	2024-25
18	All Other	\$11,331,377	\$29,525,711
19			
20	GENERAL FUND TOTAL	<u>\$11,331,377</u>	<u>\$29,525,711</u>

21 **Medicaid Services - Developmental Services Z210**

22 Initiative: Provides allocations to provide services to individuals with developmental
 23 disabilities or autism spectrum disorder on the waiting list for community-based services
 24 provided under the department's rule Chapter 101: MaineCare Benefits Manual, Chapters
 25 II and III, Section 21, Home and Community Benefits for Members with Intellectual
 26 Disabilities or Autism Spectrum Disorder, and Section 29, Support Services for Adults with
 27 Intellectual Disabilities or Autism Spectrum Disorder.

28	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
29	All Other	\$1,841,497	\$5,880,372
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,841,497</u>	<u>\$5,880,372</u>

32 **Medicaid Waiver for Brain Injury Residential /Community Serv Z218**

33 Initiative: Provides appropriations to provide services to individuals with brain injury on
 34 the waiting list for community-based services provided under the department's rule Chapter
 35 101: MaineCare Benefits Manual, Chapters II and III, Section 18, Home and Community-
 36 Based Services for Adults with Brain Injury.

37	GENERAL FUND	2023-24	2024-25
38	All Other	\$1,278,409	\$2,782,752
39			
40	GENERAL FUND TOTAL	<u>\$1,278,409</u>	<u>\$2,782,752</u>

41 **Medicaid Waiver for Other Related Conditions Z217**

42 Initiative: Provides appropriations to provide services to individuals with other related
 43 conditions on the waiting list for community-based services provided under the

1 department's rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section
 2 20, Home and Community-Based Services for Adults with Other Related Conditions.

3	GENERAL FUND	2023-24	2024-25
4	All Other	\$327,242	\$801,972
5			
6	GENERAL FUND TOTAL	<u>\$327,242</u>	<u>\$801,972</u>

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

8 Initiative: Provides allocations to provide services to individuals with developmental
 9 disabilities, autism spectrum disorder, brain injury or other related conditions on the
 10 waiting list for community-based services provided under the department's rule Chapter
 11 101: MaineCare Benefits Manual, Chapters II and III, Section 21, Home and Community
 12 Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder; Section
 13 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder;
 14 Section 18, Home and Community-Based Services for Adults with Brain Injury; and
 15 Section 20, Home and Community-Based Services for Adults with Other Related
 16 Conditions.

17	FEDERAL EXPENDITURES FUND	2023-24	2024-25
18	All Other	\$25,624,695	\$70,084,781
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$25,624,695</u>	<u>\$70,084,781</u>

21			
22	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
23	All Other	\$312,448	\$556,548
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$312,448</u>	<u>\$556,548</u>

26 **Office of MaineCare Services 0129**

27 Initiative: Provides allocations to establish one Human Services Casework Supervisor
 28 position, 2 Human Services Caseworker positions, one Social Services Program Specialist
 29 II position, 3 DD Resource Coordinator positions and one Office Specialist position to
 30 handle the influx of members entering the waiver programs.

31	FEDERAL EXPENDITURES FUND	2023-24	2024-25
32	Personal Services	\$353,879	\$370,648
33	All Other	\$48,408	\$48,794
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35	FEDERAL EXPENDITURES FUND TOTAL	<u>\$402,287</u>	<u>\$419,442</u>

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37	HEALTH AND HUMAN SERVICES,		
38	DEPARTMENT OF		
39	DEPARTMENT TOTALS	2023-24	2024-25
40			
41	GENERAL FUND	\$20,910,534	\$62,923,786
42	FEDERAL EXPENDITURES FUND	\$26,026,982	\$70,504,223
43	OTHER SPECIAL REVENUE FUNDS	\$2,153,945	\$6,436,920

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DEPARTMENT TOTAL - ALL FUNDS \$49,091,461 \$139,864,929

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

SUMMARY

This bill provides funding to provide services to individuals with brain injury, other related conditions, developmental disabilities or autism spectrum disorder on the waiting lists for community-based services provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder; Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder; Section 18, Home and Community-Based Services for Adults with Brain Injury; and Section 20, Home and Community-Based Services for Adults with Other Related Conditions. It also provides funding to eliminate the waiting lists for state-funded services provided under Department of Health and Human Services rule Chapter 10-149: Office of Aging and Disability Services, Chapter 5, Office of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults and for services provided under Chapter 14-197: Office of Aging and Disability Services, Chapter 11, Consumer Directed Personal Assistance Services.