



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1238

H.P. 786

House of Representatives, March 21, 2023

**An Act to Require Reporting on the Percentage of Approved Care
Being Delivered to Individuals**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative CLUCHEY of Bowdoinham.
Cosponsored by Representatives: CRAVEN of Lewiston, FAY of Raymond, GATTINE of
Westbrook, JAVNER of Chester, ZAGER of Portland, Senator: MOORE of Washington.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Data collection and reporting regarding care**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Approved care" means care services provided by an essential support worker to
7 older persons, persons with physical or intellectual disabilities and persons with
8 behavioral health challenges that have been authorized for reimbursement or direct
9 payment under the MaineCare program, a federal waiver or another state program.

10 B. "Essential support worker" has the same meaning as in section 7401, subsection 3.

11 **2. Data collection required.** The department shall establish a process to collect data
12 relevant to the report described in subsection 3 about approved care provided to MaineCare
13 members, persons receiving home or community-based approved care under a federal
14 waiver or persons receiving approved care under another state program.

15 **3. Report required.** On a quarterly basis, the department shall publish a report and
16 make that report available to the public. The report must include the following information,
17 categorized by county:

18 A. The number of individuals receiving:

19 (1) Zero percent of the amount of approved care the individual is approved to
20 receive;

21 (2) One percent to 25% of the amount of approved care the individual is approved
22 to receive;

23 (3) Twenty-six percent to 50% of the amount of approved care the individual is
24 approved to receive;

25 (4) Fifty-one percent to 75% of the amount of approved care the individual is
26 approved to receive;

27 (5) Seventy-six percent to 90% of the amount of approved care the individual is
28 approved to receive; and

29 (6) Ninety-one percent to 100% of the amount of approved care the individual is
30 approved to receive;

31 B. The number of beds that are licensed and physically available and have no current
32 staff on hand to attend to a patient who would occupy the bed in residential facilities
33 that provide approved care; and

34 C. If there is a waiting list for approved care, the number of individuals on the waiting
35 list.

36 **Sec. 2. First report.** The Department of Health and Human Services shall publish
37 the first report required by the Maine Revised Statutes, Title 22, section 3197 no later than
38 March 1, 2024.

SUMMARY

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This bill requires the Department of Health and Human Services to collect and publish data on a quarterly basis relating to care services provided by an essential support worker that have been authorized for reimbursement or direct payment under the MaineCare program, a federal waiver or another state program.