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Legislative Document

No. 878

S.P. 292

In Senate, March 8, 2021

Resolve, To Increase MaineCare Reimbursement Rates for Services Provided by Direct Care Workers

(EMERGENCY)

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

DAREK M. GRANT Secretary of the Senate

Presented by Senator KEIM of Oxford. Cosponsored by Representative FAY of Raymond and Senator: CLAXTON of Androscoggin, Representative: WHITE of Waterville. **Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, this legislation affects obligations and expenses during the course of the current fiscal year and requires immediate attention; and

Whereas, current state reimbursement rates for services providing long-term supports and services do not account for the current minimum wage requirements; 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. Reimbursement. Resolved:** That the Department of Health and Human Services shall amend its rules to increase MaineCare reimbursement rates for home and community-based services by no less than \$2 an hour for the following services:
- 1. Attendant care services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-directed Attendant Services;
- 2. Adult day care and home support services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community-based Services for Adults with Brain Injury;
- 3. Attendant care services, personal care services, respite care services, home health aide services and certified nurse's aide services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities;
- 4. Personal care services, home support services and community support provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 20, Allowances for Home and Community-based Services for Adults with Other Related Conditions;
- 5. Home support services, shared living and community support services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Adults with Intellectual Disabilities or Autism Spectrum Disorder;
- 6. Day care services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 26, Day Health Services;
- 7. Home support services, community support and respite services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder; and
- 8. Personal support services, certified nursing assistant services, home health aide services and chore services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 96, Private Duty Nursing and Personal Care Services.

- **Sec. 2. Reimbursement. Resolved:** That the Department of Health and Human Services shall amend its rules to increase reimbursement rates for state-funded home and community-based services by no less than \$2 an hour for the following services:
- 1. Personal assistance provided under the provisions of 14-197 C.M.R. Chapter 11, Consumer-directed Personal Assistance Services;
- 2. Day care services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services;
- 3. Attendant care services, personal care services, respite care services, home health aide services and certified nursing assistant services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 63, In-home and Community Support Services for Elderly and Other Adults;
- 4. Respite care services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 68, Respite Care Services for People with Alzheimer's or Related Disorders; and
- 5. Homemaker services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 69, Office of Elder Services Independent Support Services Program.
- **Sec. 3. Reimbursement. Resolved:** That the Department of Health and Human Services shall amend its rules to update per diem calculations to include an increase of no less than \$2 an hour for all direct care services for the following residential services provided under Chapter 101: MaineCare Benefits Manual, Chapter III:
 - 1. Section 2, Adult Family Care Services;

- 2. Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Developmentally Disabled;
 - 3. Section 67, Principles of Reimbursement for Nursing Facilities; and
 - 4. Section 97, Private Non-Medical Institution Services, Appendix C.
- **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

29 SUMMARY

This resolve increases reimbursement rates to direct care workers. The resolve requires the Department of Health and Human Services to increase reimbursement rates to all direct care worker services that are provided in home and community-based settings and in institutional settings by no less than \$2 an hour.