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Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services

Sec. 1 State plan amendment. Resolved: That the following provisions apply to consumer-directed personal assistance services provided by the Department of Health and Human Services and the Department of Labor.

1. The Department of Health and Human Services shall submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services a MaineCare state plan amendment to establish a new state plan program for personal assistance services for persons with physical disabilities. The program must provide services through the self-directed program model authorized in the federal Deficit Reduction Act of 2005, Section 6086. The state plan amendment must be designed to transfer some participants in the current physical disabilities waiver to the new state plan program for personal assistance services for persons with physical disabilities.

2. After approval of the state plan amendment by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and no earlier than January 1, 2007, the Department of Health and Human Services may increase reimbursement for providers of consumer-directed personal assistance services in the 3 programs administered by the department up to a rate of \$10 per hour as long as the conditions of this subsection are satisfied.

A. Savings to the General Fund must be generated from the transfer of participants from the current physical disabilities waiver program to the new state plan program for personal assistance for persons with physical disabilities and those savings must be sufficient, together with any federal matching funds, to fund any increase in reimbursement above \$9 per hour.

B. This subsection does not authorize an increase in General Fund expenditures for reimbursement for providers of consumer-directed personal assistance services above the level budgeted for reimbursement of \$9 per hour.

3. Beginning on the effective date of the new reimbursement level established under subsection 2 by the Department of Health and Human Services for the 3 programs of consumer-directed personal assistance services administered through that department, the Department of Labor may increase the reimbursement rate for consumer-directed personal assistance services in the program administered by the Department of Labor by an amount equal to the increase granted by the Department of Health and Human Services; and be it further

Sec. 2 Competitive bidding process. Resolved: That the Commissioner of Health and Human Services and the Commissioner of Labor shall initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services; and be it further

Sec. 3 Implementation of recommendations. Resolved: That the Commissioner of Health and Human Services and the Commissioner of Labor shall develop a plan and timeline for the implementation of the following recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, as outlined in the working group's January 1, 2005 report:

1. Expanding the availability of consumer-directed alternatives across the range of long-term care services;
2. Enhancing the intake process to provide consumers with information about the range of services available, including consumer-directed services; and
3. Providing consumers the opportunity to participate in consumer-directed services with the use of an unpaid agent, commonly referred to as a "surrogate," to assist with the management tasks associated with these services; and be it further

Sec. 4 Submission of plan; timeline. Resolved: That the Commissioner of Health and Human Services and the Commissioner of Labor shall submit the plan and timeline developed pursuant to section 4 to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor matters no later than 6 months after the effective date of this resolve. Following receipt and review of the plan and timeline, the committees may report out to the First Regular Session of the 123rd Legislature legislation necessary to implement the plan and the timeline; and be it further

Sec. 5 Salary and benefits survey and report. Resolved: That the Commissioner of Health and Human Services and the Commissioner of Labor shall perform a survey of wages and benefits to determine the wages paid to personal care assistants across the State. The survey must include all programs for which funds are provided by the State. By January 1, 2007, the Commissioner of Health and Human Services and the Commissioner of Labor shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with the results of the survey and include any recommendations for legislative action or rulemaking by the Department of Health and Human Services and the Department of Labor; and be it further

Sec. 6 Major substantive rules. Resolved: That rules adopted pursuant to this resolve by the Department of Health and Human Services and the Department of Labor related to the expansion of availability of or participation in consumer-directed long-term care services are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.