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Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17

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

Whereas, this resolve extends the eligibility period for certain individuals who were eligible for community support services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17 before the rule was updated on March 22, 2016; and

Whereas, it is possible that certain individuals may become ineligible to receive these services before the 90-day period expires; 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 Transitional period. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall extend eligibility for community support services to each individual who received those services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17, referred to in this resolve as "Section 17," before Section 17 was updated on March 22, 2016 and who have been found to no longer meet the eligibility requirements under the updated Section 17 until the individual is able to access appropriate services under another section of the MaineCare Benefits Manual; except that an extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired; and be it further

Sec. 2 Continuation of bridging rental assistance program for certain individuals. Resolved: That any individual receiving housing subsidy vouchers under the bridging rental assistance program, referred to in this resolve as "BRAP," due to that individual's Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for BRAP housing subsidy vouchers, unless the individual becomes ineligible for BRAP housing subsidy vouchers for a reason unrelated to Section 17 eligibility; and be it further

Sec. 3 Additional transitional period possible. Resolved: That, until June 30, 2017, the Office of MaineCare Services within the department shall authorize 90-day extensions of community support services under Section 17 for an individual that received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that the individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and be it further

Sec. 4 Emergency rulemaking authorized. Resolved: That the department shall adopt emergency rules pursuant to the Maine Revised Statutes, Title 5, section 8054 as necessary for implementation of this resolve.

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

SUMMARY

This resolve, which is an emergency:

1. Requires the Department of Health and Human Services to extend eligibility for community support services to an individual who received services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17 before Section 17 was updated on March 22, 2016 if that individual is found to no longer meet the eligibility requirements under the updated Section 17 until that individual is able to access appropriate services under any other section of the MaineCare Benefits Manual. This extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired;

2. Establishes that an individual who was receiving bridging rental assistance program housing subsidy vouchers due to Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for the housing subsidy vouchers, unless the individual becomes ineligible for the housing subsidy vouchers for a reason unrelated to Section 17 eligibility;

3. Until June 30, 2017, requires the Office of MaineCare Services within the Department of Health and Human Services to authorize 90-day extensions of community support services under Section 17 for an individual who received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that that individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and

4. Provides the department with the authority to adopt emergency rules as necessary for implementation of this resolve.