



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 208

---

H.P. 129

House of Representatives, January 20, 2023

### An Act Concerning Home Care Services

---

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Representatives: CLOUTIER of Lewiston, FAY of Raymond, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, PERRY of Calais, RIELLY of Westbrook, SHAGOURY of Hallowell, Senator: CURRY of Waldo.

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

2 **Sec. 1. 22 MRSA c. 1629** is enacted to read:

3 **CHAPTER 1629**

4 **WAITING LIST AND ASSESSMENTS FOR HOME CARE SERVICES**

5 **§7411. Public information regarding certain home care services**

6 **1. Definition.** As used in this section, unless the context otherwise indicates,  
7 "individuals eligible for home care services" means:

8 A. Individuals who are elderly or disabled and whom the department determines are  
9 eligible for care provided in a nursing facility setting in accordance with the procedures  
10 described in section 3174-I, but for whom care can be appropriately provided in the  
11 individual's home or other residential community setting under a waiver granted by the  
12 United States Department of Health and Human Services, Centers for Medicare and  
13 Medicaid Services for home-based and community-based care and who choose to  
14 receive care in the individual's home or other residential community setting; or

15 B. Individuals whom the department determines are eligible for private duty nursing  
16 and personal care services provided in a residential setting or other setting where  
17 normal life activities take place.

18 **2. Waiting list established.** The department shall establish and maintain a waiting  
19 list of individuals eligible for home care services.

20 **3. Publicly available information.** The department shall publish on its publicly  
21 accessible website the following real-time data relating to the waiting list established  
22 pursuant to subsection 2, including the number of:

23 A. Individuals eligible for home care services who are fully served;

24 B. Individuals eligible for home care services who are partially served and the number  
25 of unstaffed hours for those individuals;

26 C. Individuals eligible for home care services who are waiting for services and the  
27 number of unstaffed hours for those individuals;

28 D. Days, on average, individuals eligible for home care services wait to receive  
29 services; and

30 E. Individuals eligible for home care services, broken down by county, who are fully  
31 served and partially served.

32 **4. Annual report.** Beginning February 1, 2024 and annually thereafter, the  
33 department shall submit to the joint standing committee of the Legislature having  
34 jurisdiction over health and human services matters a report on the waiting list of  
35 individuals eligible for home care services established in accordance with this section. The  
36 report must include the department's plans to clear the waiting list and ensure that  
37 individuals eligible for home care services are receiving services for all the hours for which  
38 they are eligible.

