



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 378

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H.P. 229

House of Representatives, January 31, 2023

**Resolve, to Eliminate the So-called Fail First Requirement for  
Children's Residential Services for Certain Individuals Whose  
Needs Are Unable to Be Met with Home and Community-based  
Services by Expanding Eligibility for Those Individuals**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative CROCKETT of Portland.

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**Sec. 1. Department of Health and Human Services to amend rules regarding eligibility for children's residential services. Resolved:** That, no later than September 29, 2023, the Department of Health and Human Services shall amend the eligibility requirements for children's residential care facilities of rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services, in order to allow eligibility for individuals who are unable to access services in the home or community or who are hospitalized and unable to secure clinical documentation that the individual's treatment needs cannot be met by outpatient or home and community-based treatment models and in other circumstances in which an individual cannot be safely maintained at home or in the community. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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**SUMMARY**

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This resolve directs the Department of Health and Human Services to amend its rules regarding eligibility for children's residential services to include individuals who are unable to access services in the home or community or who are hospitalized and unable to secure clinical documentation that the individual's treatment needs cannot be met by outpatient or home and community-based treatment models and in other circumstances in which an individual cannot be safely maintained at home or in the community.