



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 517

H.P. 356

House of Representatives, February 24, 2015

Resolve, To Reconcile Conflicts between the Home and Community-based Waiver Program for the Elderly and Adults with Disabilities and the Requirements of the Department of Health and Human Services and the Department of Public Safety

(EMERGENCY)

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 FARNSWORTH of Portland.
Cosponsored by Representatives: McCLELLAN of Raymond, PETERSON of Rumford,
STUCKEY of Portland.

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

3 **Whereas,** this legislation must take effect before the expiration of the 90-day period
4 in order for the report of the stakeholder group, to be convened by the Commissioner of
5 Health and Human Services and the Commissioner of Public Safety, to be timely filed;
6 and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore, be it

11 **Sec. 1. Stakeholder group. Resolved:** That the Commissioner of Health and
12 Human Services and the Commissioner of Public Safety shall jointly convene a
13 stakeholder group to determine the most appropriate home-like, community-based
14 residential settings for residents participating in the home and community-based waiver
15 program for the elderly and adults with disabilities that are consonant with ensuring their
16 safety and maintaining the program's cost-effectiveness. The stakeholder group must
17 include representatives of the office of aging and disability services and the division of
18 licensing and regulatory services within the Department of Health and Human Services,
19 representatives of the Office of the State Fire Marshal within the Department of Public
20 Safety and stakeholders in the community, including individuals with disabilities who
21 participate in the home and community-based waiver program, their advocates and their
22 providers of services. The stakeholder group shall determine and develop a plan to
23 address the licensing and regulatory requirements that adversely affect the program's
24 cost-effectiveness and that are not necessary for the health and safety of the residents; and
25 be it further

26 **Sec. 2. Report. Resolved:** That the stakeholder group under section 1 shall
27 prepare and submit a report based on its determinations and including its plan to the
28 Commissioner of Health and Human Services and the Commissioner of Public Safety by
29 May 1, 2015. The commissioners or their designees shall submit the report and any
30 legislation necessary to implement the plan to the Joint Standing Committee on Health
31 and Human Services by May 15, 2015. The joint standing committee may report out a
32 bill based on the report and plan to the First Regular Session of the 127th Legislature.

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

35 **SUMMARY**

36 This resolve directs the Commissioner of Health and Human Services and the
37 Commissioner of Public Safety to convene a stakeholder group to resolve ongoing issues
38 between the home and community-based waiver program for the elderly and adults with
39 disabilities and the requirements of the Department of Health and Human Services and
40 the Department of Public Safety. The stakeholder group is directed to report with a plan

1 to resolve the issues to the commissioners by May 1, 2015. The commissioners are
2 directed to submit by May 15, 2015 the report and any legislation necessary to implement
3 the plan to the Joint Standing Committee on Health and Human Services, which is
4 authorized to submit a bill to the First Regular Session of the 127th Legislature.