

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1188, L.D. 1708, Bill, “An Act To Allow Qualifying Medicaid Recipients To Hire Relatives and Legal Guardians for Consumer-directed Attendant Services”

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Sec. 1. Department of Health and Human Services request to amend waiver. Resolved:** That, no later than January 1, 2019, the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the existing 1915(c) waiver that provides home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by relatives, including spouses, or legal guardians who are employed to provide those services; and be it further

**Sec. 2. Rulemaking. Resolved:** That the Department of Health and Human Services, upon receiving notice of approval for the amendment to the 1915(c) waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for relatives, including spouses, or legal guardians to be employed as caregivers for the eligible members; and be it further

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with an interim report by April 30, 2019 outlining the progress of applying for, receiving and implementing the amended 1915(c) waiver

**COMMITTEE AMENDMENT**

1 pursuant to section 1. The department shall submit a final report no later than January 1,  
 2 2020 with data on the number of people receiving services under the department's rule  
 3 Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 who employ caregivers  
 4 who are relatives, including spouses, or legal guardians, the costs or savings from the  
 5 employment of relatives or legal guardians as caregivers and recommendations on the  
 6 feasibility of future similar expansion to other MaineCare programs or other potential  
 7 waivers available under Medicaid. The joint standing committee of the Legislature  
 8 having jurisdiction over health and human services matters may report out a bill to the  
 9 Second Regular Session of the 129th Legislature regarding any recommendations  
 10 contained in the report; and be it further

11 **Sec. 4. Appropriations and allocations. Resolved:** That the following  
 12 appropriations and allocations are made.

13 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

14 **Long Term Care - Office of Aging and Disability Services 0420**

15 Initiative: Provides funding for the fiscal intermediary service required to allow eligible  
 16 members to receive services provided by relatives, including spouses or legal guardians.

|    |                     |                |                  |
|----|---------------------|----------------|------------------|
| 17 | <b>GENERAL FUND</b> | <b>2017-18</b> | <b>2018-19</b>   |
| 18 | All Other           | \$0            | \$124,188        |
| 19 |                     |                |                  |
| 20 | GENERAL FUND TOTAL  | <u>\$0</u>     | <u>\$124,188</u> |

21 **Medical Care - Payments to Providers 0147**

22 Initiative: Provides funding to amend the existing 1915(c) waiver that provides home and  
 23 community-based services under the Department of Health and Human Services rule  
 24 Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible  
 25 members to receive services provided by relatives, including spouses or legal guardians.

|    |                     |                |                  |
|----|---------------------|----------------|------------------|
| 26 | <b>GENERAL FUND</b> | <b>2017-18</b> | <b>2018-19</b>   |
| 27 | All Other           | \$0            | \$468,780        |
| 28 |                     |                |                  |
| 29 | GENERAL FUND TOTAL  | <u>\$0</u>     | <u>\$468,780</u> |

|    |                                  |                |                  |
|----|----------------------------------|----------------|------------------|
| 30 | <b>FEDERAL EXPENDITURES FUND</b> | <b>2017-18</b> | <b>2018-19</b>   |
| 31 | All Other                        | \$0            | \$850,797        |
| 32 |                                  |                |                  |
| 33 | FEDERAL EXPENDITURES FUND TOTAL  | <u>\$0</u>     | <u>\$850,797</u> |

34 **Office of MaineCare Services 0129**

35 Initiative: Provides funding for the fiscal intermediary service required to allow eligible  
 36 members to receive services provided by relatives, including spouses or legal guardians.

|   |  |                |                  |
|---|--|----------------|------------------|
| 1 | <b>FEDERAL EXPENDITURES FUND</b>       | <b>2017-18</b> | <b>2018-19</b>   |
| 2 | All Other                              | \$0            | \$124,188        |
| 3 |  |                |                  |
| 4 | <b>FEDERAL EXPENDITURES FUND TOTAL</b> | <u>\$0</u>     | <u>\$124,188</u> |

|    |                                     |                   |                           |
|----|-------------------------------------|-------------------|---------------------------|
| 5  | <b>HEALTH AND HUMAN SERVICES,</b>   |                   |                           |
| 6  | <b>DEPARTMENT OF</b>                |                   |                           |
| 7  | <b>DEPARTMENT TOTALS</b>            | <b>2017-18</b>    | <b>2018-19</b>            |
| 8  |                                     |                   |                           |
| 9  | <b>GENERAL FUND</b>                 | <b>\$0</b>        | <b>\$592,968</b>          |
| 10 | <b>FEDERAL EXPENDITURES FUND</b>    | <b>\$0</b>        | <b>\$974,985</b>          |
| 11 |                                     |                   |                           |
| 12 | <b>DEPARTMENT TOTAL - ALL FUNDS</b> | <u><b>\$0</b></u> | <u><b>\$1,567,953</b></u> |
| 13 |                                     |                   |                           |

**SUMMARY**

This amendment replaces the bill with a resolve. The amendment requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by relatives, including spouses, or legal guardians who are employed to provide those services. It requires the department to amend its rules after the amended waiver approval has been received from the Federal Government. The amendment requires the department to provide an interim report and a final report regarding the progress in applying for, receiving and implementing the amended waiver, as well as data on the number of individuals receiving services from relatives, including spouses, or legal guardians, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid. It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**