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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 580, L.D. 775, Bill, “An Act To Expand Community Support Services for Certain Adult Members of the MaineCare Program”

Amend the amendment by striking out the substitute title and replacing it with the following:

'Resolve, To Authorize the Department of Health and Human Services To Amend Its Rules for Eligibility for Community Support Services'

Amend the amendment by striking out all of sections 1 and 2 (page 1, lines 16 to 35 and page 2, lines 1 and 2 in amendment) and inserting the following:

'Sec. 1. Department of Health and Human Services authorized to amend eligibility criteria for community support services. Resolved: That the Department of Health and Human Services may amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services concerning eligibility criteria for services under that section. The department may include in the eligibility determination an assessment of whether an individual has significant impairment or limitation in adaptive behavior or functioning related to the individual's primary clinical diagnosis. The department may also consider:

1. Including in the list of clinical diagnoses that are automatically eligible for services additional clinical diagnoses of conditions that substantially interfere with or limit one or more major life activities; and

2. Expanding the situations in which an individual might be at risk of harm if the individual were to have future episodes related to the individual's primary clinical diagnosis.

Sec. 2. 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 by January 15, 2021 as to whether the department amended its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services, referred to in this section as "the rule," concerning eligibility criteria for services under that section and, if so, the justification for the changes made by the amendment.

HOUSE AMENDMENT

- 1 The department also shall provide the committee with:
- 2 1. Data regarding:
- 3 A. The eligibility criteria for determining who has access to community support
- 4 services; and
- 5 B. The number of individuals who applied for community support services and, of
- 6 those:
- 7 (1) The number initially accepted;
- 8 (2) The number initially rejected;
- 9 (3) The number who were rejected who appealed the rejection; and
- 10 (4) Of the number who appealed, the number accepted following the appeal;
- 11 2. An assessment as to whether the department is fulfilling the intended purpose of
- 12 the rule, regardless of whether the department has amended the rule, as authorized
- 13 pursuant to section 1;
- 14 3. The department's plan for communicating to providers how the department plans
- 15 to ensure the provision of community support services under the rule; and
- 16 4. Any other information relevant to the provision of community support services
- 17 under the rule and the access of individuals to those services.
- 18 The joint standing committee may report out legislation to the First Regular Session
- 19 of the 130th Legislature regarding the subject matter of the report and any rules adopted
- 20 by the department pursuant to section 1.'
- 21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
- 22 or section number to read consecutively.

23 **SUMMARY**

- 24 This amendment removes the mandate that the Department of Health and Human
- 25 Services amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17,
- 26 Community Support Services, instead authorizing the department to amend the rule. This
- 27 amendment also requires the department to report, by January 15, 2021, to the joint
- 28 standing committee of the Legislature having jurisdiction over health and human services
- 29 matters on the following:
- 30 1. Whether the department amended the rule and, if so, the justification for the
- 31 changes;
- 32 2. Data regarding eligibility criteria and the number of applicants for community
- 33 support services under the rule, including the number initially accepted and rejected and,
- 34 of those rejected, how many appealed and were accepted after appeal; and
- 35 3. Whether the department is meeting the intended purpose of the rule and its plan
- 36 for communicating to providers how the department plans to ensure the provision of
- 37 community support services pursuant to the rule.

