



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 84

H.P. 70

House of Representatives, January 15, 2019

**Resolve, Directing the Department of Health and Human Services
To Allow Spouses To Provide Home and Community-based Services
to Eligible MaineCare Members**

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 COREY of Windham.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: FAY of Raymond, GRIFFIN of Levant, HUBBELL of Bar Harbor,
O'CONNOR of Berwick, PERRY of Calais, WARREN of Hallowell, Senators: BREEN of
Cumberland, ROSEN of Hancock.

1 **Sec. 1. Department of Health and Human Services request to amend**
2 **waiver. Resolved:** That, no later than January 1, 2020, the Department of Health and
3 Human Services shall submit a request to the United States Department of Health and
4 Human Services, Centers for Medicare and Medicaid Services to amend the existing
5 federal 1915(c) waiver, granted pursuant to the Social Security Act, 42 United States
6 Code, Section 1396n(c), that provides home and community-based services under the
7 department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to
8 allow eligible members to receive services provided by spouses who are employed as
9 personal support specialists to provide those services. The waiver request must identify
10 the specific services that may be provided by a spouse under the waiver.

11 **Sec. 2. Rulemaking. Resolved:** That the Department of Health and Human
12 Services, upon receiving notice of approval for the amendment to the federal 1915(c)
13 waiver from the United States Department of Health and Human Services, Centers for
14 Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule
15 Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for spouses to
16 be employed as personal support specialists for eligible members. A spouse may be
17 reimbursed only for providing extraordinary care and services that the spouse is not
18 normally expected to provide. The department shall adopt any rules necessary regarding
19 the specific services that may be provided by a spouse under the waiver. Reimbursement
20 for services provided by a spouse may not exceed the cap and limits in department rules.

21 **Sec. 3. Report. Resolved:** That the Department of Health and Human Services
22 shall report to the joint standing committee of the Legislature having jurisdiction over
23 health and human services matters with an interim report by April 30, 2020 outlining the
24 progress of applying for, receiving and implementing the amended federal 1915(c) waiver
25 pursuant to section 1. The department shall submit a final report no later than January 1,
26 2021 outlining the progress of receiving and implementing the amended federal 1915(c)
27 waiver, and, if the amended federal waiver is granted, the report must include data on the
28 number of people receiving services under the department's rule Chapter 101: MaineCare
29 Benefits Manual, Chapter II, Section 19 who employ personal support specialists who are
30 spouses; the costs or savings from the employment of spouses as personal support
31 specialists; and recommendations on the feasibility of future similar expansion to other
32 MaineCare programs or other potential waivers available under Medicaid. The joint
33 standing committee of the Legislature having jurisdiction over health and human services
34 matters may report out a bill to the First Regular Session of the 130th Legislature
35 regarding any recommendations contained in the report.

36

SUMMARY

37 This resolve requires the Department of Health and Human Services to submit a
38 request to the United States Department of Health and Human Services, Centers for
39 Medicare and Medicaid Services to amend the current federal 1915(c) waiver so that
40 eligible members receiving home and community-based services under the department's
41 rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to
42 receive services provided by spouses who are employed as personal support specialists to
43 provide those services. It requires the department to amend its rules after the amended

1 waiver approval has been received from the Federal Government. The resolve requires
2 the department to provide an interim report regarding the progress in applying for,
3 receiving and implementing the amended waiver and a final report with data on the
4 number of individuals receiving services from spouses, any information about costs or
5 savings and recommendations about the feasibility for similarly expanding other
6 MaineCare programs or other potential waiver programs available under Medicaid.