



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 874

---

S.P. 371

In Senate, February 24, 2023

**An Act to Address the Shortage of Direct Care Workers for  
Children with Disabilities in Maine**

(EMERGENCY)

---

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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,** a shortage of direct care workers has resulted in individuals, including  
4 children, who are eligible for in-home personal care services but are not receiving critical  
5 services; and

6           **Whereas,** parents of children eligible for in-home personal care services are leaving  
7 paid employment to provide care in the absence of available direct care workers, resulting  
8 in economic hardship; and

9           **Whereas,** this legislation requires the Department of Health and Human Services to  
10 submit a request for the necessary state plan amendment or Medicaid waiver from the  
11 Federal Government as soon after enactment as possible; and

12           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
13 the meaning of the Constitution of Maine and require the following legislation as  
14 immediately necessary for the preservation of the public peace, health and safety; now,  
15 therefore,

16 **Be it enacted by the People of the State of Maine as follows:**

17           **Sec. 1. 22 MRSA §3174-KKK** is enacted to read:

18 **§3174-KKK. In-home personal care services to minors**

19           **1. Reimbursement for parent.** A parent of a child who is eligible for in-home  
20 personal care services under the MaineCare program may register as a personal care agency  
21 as defined in section 1717, subsection 1, paragraph C and determined in department rule  
22 and receive reimbursement for providing those services to the child if the following  
23 requirements are met:

24           A. The parent has made reasonable efforts to obtain regular in-home personal care  
25 services; and

26           B. The parent has satisfied the requirements of the applicable background check  
27 required for providers of in-home personal care services.

28           **2. Employer designation.** In order for a parent to be registered as a personal care  
29 agency under subsection 1, another individual who is not a parent of the child must be  
30 designated as the employer. The person designated as the employer must be approved by  
31 both the department and the parent to act in the child's interest.

32           **3. Rulemaking.** The department shall adopt rules to implement this section. Rules  
33 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
34 375, subchapter 2-A.

35           **Sec. 2. Department of Health and Human Services to seek federal**  
36 **approval.** The Department of Health and Human Services shall seek any necessary state  
37 plan amendments or waivers from the United States Department of Health and Human  
38 Services, Centers for Medicare and Medicaid Services to implement the Maine Revised  
39 Statutes, Title 22, section 3174-KKK. The department shall submit the requests for  
40 approval no later than 6 months after the effective date of this Act.

