



April 13, 2023

Senator Joseph Baldacci, Chair  
Representative Michele Meyer, Chair  
Joint Standing Committee on Health and Human Services  
Cross Office Building, Room 209  
Augusta, Maine 04333

Re: Testimony Neither For Nor Against LD 825, An Act Relating to  
Transportation Services for MaineCare Members with Multiple Disabilities

Dear Senator Baldacci, Representative Meyer, and Members of the Joint Standing  
Committee on Health and Human Services:

My name is Lauren Wille and I am a managing attorney at Disability Rights Maine. DRM is Maine's designated Protection and Advocacy Agency, and our mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine. We submit this testimony neither to support nor oppose this bill, but to provide information that this Committee may find helpful.

Transportation, and lack of meaningful access to it, is one of the most consistent issues that people with disabilities raise as a barrier to full community inclusion. Lack of transportation prevents people with disabilities from getting to medical appointments, from getting to work, and from meaningfully participating in social activities that people who do not depend on services take for granted. Some people experience repeated and chronic cancellation of rides, or worse, scheduled rides simply not showing up. The result is that people miss work, they miss scheduled programming, or the miss medical appointments, sometimes for life-sustaining care such as cancer treatments or dialysis. DRM has worked with members who were stranded at doctor offices because it was the return ride that was canceled or did not show up at all. Obviously, this can lead to bad health outcomes, but it also can lead to loss of employment, loss of services, and creates a great deal of unnecessary anxiety when people have to constantly worry if they ride will show up.

All individuals who receive MaineCare, disabled or not, are entitled to a service called "non-emergency transportation" ("NET"). This service provides Medicaid-funded

160 Capitol Street, Suite 4, Augusta, ME 04330  
207.626.2774 • 1.800.452.1948 • Fax: 207.621.1419 • drme.org

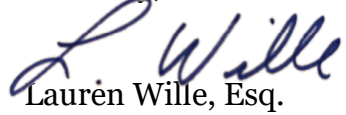
MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

transportation to individuals to and from other Medicaid-funded services. For example, a person who couldn't otherwise access transportation is entitled to NET to and from a doctor's appointment, or a physical therapist, so long as that service is funded by Medicaid/MaineCare. This also includes transportation to and from Medicaid-funded work support and community support services. The Office of MaineCare Services contracts with three regional transportation brokers (ModivCare, Penquis, and Mid Coast Connector) who arrange for this transportation. Through the brokers, transportation can be provided by transportation companies (e.g., KVCap), taxis and rideshares, reimbursement to friends and family, reimbursement for bus passes, or via the brokers themselves, some of which provide direct transportation services. The rules regarding NET services are outlined in chapter 113 of the MaineCare Benefits Manual.

LD 825 aims to improve transportation services for individuals with disabilities, and that goal is laudable, and it is sorely needed. We have concerns about the practicality of additional requirements applying only to MaineCare recipients who have "multiple disabilities," which is not defined in the bill or elsewhere in the statute. Such a provision could require certain MaineCare members to disclose medical information that they would not otherwise be required to disclose to access NET services, and this could place a higher burden on them to access transportation. Currently, transportation brokers are required to confirm the person actually receives MaineCare, and that the transportation is to or from a MaineCare service. In order to comply with this bill, transportation brokers would need to access sensitive and confidential medical information about members in order to determine if the additional requirements would apply to the drivers. DRM absolutely supports safe, accessible vehicles to users of NET services, but this is already required, both under NET regulations, as well as the Americans with Disabilities Act, which requires that people with disabilities be reasonably accommodated in such services. The bill presumes that a person with "multiple disabilities" would be in need of physical assistance by a driver in the case of an emergency in a way that a person without "multiple disabilities" would not. Yet, disabilities are not always physical, and adding this requirement to a person who has more than one diagnosed disability, but does not have a physical limitation, could have the unintended consequence of making transportation *more* inaccessible to a person with more than one diagnosed disability. For a person (who may have a disability or not) who does require physical assistance, the existing rules give a member the option of bringing a support person with them, or of requesting a reasonable accommodation specific to their own situation as needed.

DRM recognizes and fully supports improving transportation for individuals with disabilities, and there is much work to be done in this area. We hope the information we have provided is helpful to the Committee as they consider this bill. Thank you for your time and consideration.

Sincerely,

  
Lauren Wille, Esq.  
Managing Attorney  
Disability Rights Maine