

February 12, 2024

Re: Testimony against the cuts to COLAs in LD 210

Chair Rotundo, Chair Gattine, Distinguished Members of the Joint Standing Committee on Appropriations and Financial Affairs, Chair Ingwersen, Chair Meyer, and Distinguished Members of the Joint Standing Committee on Health and Human Services:

My name is Alan Cobo-Lewis. I live in Orono.

I am testifying against Sec UU-2 of the proposed biennial budget and against the budget initiatives that defund the cost of living adjustments (COLAs) to reimburse direct care worker labor at least at 125% of minimum wage.

We live in a free market economy. At least we're supposed to.

But even 125% of minimum wage is below market rates for job openings that compete against direct care worker positions for qualified personnel.

My adult son with a disability is on the Section 21 Home and Community Based Services (HCBS) waiver because of the significance of his needs. Nevertheless, he went 7 months on the waiver without receiving any waiver-funded direct support, which caused a crisis—a crisis of which the executive branch was fully informed.

It was very difficult to find an agency willing to support him because of the workforce crisis exacerbated by below-market rates paid to direct care workers.

And now we see a proposal to renege on the commitment to even pay 125%.

This affects not just adult services like Section 21. I'm sure you're aware that Maine reached a settlement in November with the Department of Justice about support for children with disabilities. The [settlement agreement](#) requires, among other things, that MaineCare establish provider reimbursement rates to enable children to return to or remain in a Family Home long-term. This is consistent with federal Medicaid regulations at [42 US Code Section 1396a\(a\)\(30\)\(A\)](#) requiring that Medicaid payments promote "quality of care and...sufficien[cy] to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area."

The biennial budget proposes that Maine renege on its commitment to the Department of Justice and to children with disabilities.

Please stop this injustice. You have fulfilled the promise to school districts to fund 55% of essential programs and services. Please also fulfill the promise to Mainers with disabilities and the direct care workers who support them. Restore the COLAs.