



TESTIMONY
In Support of
LD 169: An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care

Joint Standing Committee on Health and Human Services

March 13, 2025

Maine Long Term Care Ombudsman Program

Good afternoon, Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services. My name is Laura Harper. I am a Senior Associate at Moose Ridge Associates. I am here today to present testimony in support of this legislation on behalf of the Maine Long Term Care Ombudsman Program.

The Ombudsman Program is a nonprofit agency that provides statewide advocacy for older and disabled residents of nursing homes, assisted housing, assisted living and for recipients of home care services. Additionally, the program serves patients in hospitals who experience barriers in accessing the long-term services and supports they need when they are ready for discharge.

This bill requires the department to develop educational materials to assist individuals with accessing programs that allow family members or legal guardians to be reimbursed for providing personal care services to a family member who is eligible to receive home and community-based services under the MaineCare program or state funded program. It also requires the department to develop educational materials to assist individuals with long-term care planning, estate planning and asset transferring and sheltering.

The Maine Long Term Care Ombudsman Program staff have observed the enormous value and dedication of family caregivers. The important contribution of family caregivers can lessen the need for home care services, hospitalizations, and may prevent or delay the need for care in a long-term care facility. Their role has become even more critical as Maine has experienced a significant direct care workforce shortage that has resulted in limiting access to services across

the continuum of long-term services and supports. When staffing cannot be found to provide home care, a family caregiver may be the only support available to provide care to an older and disabled adult.

There are approximately 166,000 family caregivers in Maine. *Valuing the Invaluable 2023 Update Strengthening Supports for Family Caregivers*, AARP Policy Institute. 61% work either full or part time. *AARP and National Alliance for Caregiving 2020*. Family caregivers often struggle to manage both employment and caregiving responsibilities. Sometimes it is necessary for a family caregiver to leave their employment to be available to provide care for a loved one.

Sometimes family caregivers may not have all the information they need. They should be able to easily access information about programs that allow payment for caregiving. Every effort should be made to expand public education to reach family caregivers early. For example, Washington State has established a strong and effective family caregiver support program that began with an emphasis on public education along with other resources and strategies. This has resulted over time, in reduced reliance on nursing home care and substantial savings in the Medicaid program.

Additionally, information should also be made available to inform care recipients about the importance of having a written personal care agreement when payment is provided out of pocket to family members for care. If the individual applies for MaineCare, the agreement can show that payment was made legitimately and not to “hide” assets by giving cash to family members. Both care recipients and family caregivers should have information about MaineCare eligibility and potential transfer penalties. Many care recipients and family caregivers may not be aware of this. The use of the contract is an important consumer protection and calls attention to the need for the proper use of funds. Maine’s caregiver contract should be widely known and accessible. It is available on the Department’s web site. However, it may be difficult to find.

Thank you for your consideration.