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March 24, 2025

Senator Ingwersen, Chair
Representative Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 960 – *An Act Facilitating the Discharge of Hospitalized Patients to Nursing Facilities*

Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, thank you for the opportunity to provide information in opposition of LD 960, *An Act Facilitating the Discharge of Hospitalized Patients to Nursing Facilities*.

The Department understands the importance of the bill's goal, which is to expedite discharges from hospitals, but believes that unintended consequences of the bill would outweigh any potential benefits of the proposed solutions.

Section 1 of the bill expands when an emergency petition for guardianship may be filed. The current statute already defines a person awaiting placement as an emergency for purposes of filing an emergency petition. The bill would further specify that an actual placement need not be available in order for an emergency petition to be filed. While this would increase the situations in which an emergency petition for guardianship may be filed, it would not result in more discharges.

In Maine, public guardianship does not bestow an individual with any public benefits that they are not otherwise entitled to, nor does the Department have special priority access to nursing home admissions. Public guardianship does enable decision making on behalf of an individual who lacks capacity, but without an available placement, this authority has no impact and comes at the expense of an individual's due process. Emergency guardianship proceedings afford considerably less due process to an individual and family members than regular guardianship proceedings, and for this reason, they are used sparingly. The Department opposes such expedited public intrusions into private matters when the resulting authority will not clearly result in a beneficial outcome for the individual. In addition, increasing the number of emergency petitions filed would require additional resources for Adult Protective Services.

Section 2 of the bill directs the Department to strike a MaineCare rule provision that allows MaineCare members to refuse nursing home placements that are more than 60 miles from their homes. This provision is rarely invoked, and the Department is not opposed to this change.

Section 3 of the bill directs the Department to amend a standard in MaineCare eligibility rules to reduce the time allowed to process a MaineCare long-term care application from the current 45 days to 30 days for a hospitalized patient awaiting a placement to a nursing home. The likely unintended consequence of this policy change would be an increase in denials for individuals who would have benefitted from having additional time to gather necessary financial documents to determine eligibility. Federal rules require the State to look at a 60-month look-back period for asset transfers, and applicants are often challenged to produce five years' worth of bank statements and other relevant documents. Also, reducing the standard would result in a need for more resources at the Office of Family Independence.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Saucier". The signature is fluid and cursive, with the first name "Paul" and last name "Saucier" clearly distinguishable.

Paul Saucier, Director
Office of Aging and Disability Services
Maine Department of Health and Human Services