



April 16, 2025

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

Re: Testimony Opposing LD 1442, Resolve, Regarding Personal Care Agency
Licensing Rules

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

My name is Lauren Wille and I am the Legal Director 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. Thank you for the opportunity to provide testimony in opposition to LD 1442. The basis of DRM's opposition to this bill concerns subsections 8 and 9.

Subsection 8 of the bill provides that the Department shall amend its Personal Care Agency licensing rule so as to "[r]equire that *only reasonable* allegations of misappropriation of client property involving agency staff be reported" (emphasis added). Currently, the licensing rules require that "[a]ll allegations of client abuse, client neglect, exploitation, and/or misappropriation of client property involving agency staff must be reported immediately to" the agency administrator, Adult or Child Protective Services, and the Division of Licensing and Certification. 10-144 C.M.R. ch. 129, §§ 6(A)(1)-(2). To carve out a "reasonableness" standard for only one category not only creates confusion as to when and what misconduct must be reported, but also creates a higher bar for reports of misappropriations of client property. It is for the investigating agency (typically, APS or CPS) to determine in the course of its investigation whether there is evidence to support an allegation. This provision renders it unclear whose determination it is that an allegation be "reasonable" in order to trigger a reporting requirement. There may also be an overlap between whether a specific allegation of misappropriation of client property may also be considered financial

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exploitation, which would have no “reasonableness” standard and would add to the confusion.

Subsection 9 requires the licensing rules to be changed to “[r]emove the requirement that a client or legal representative sign a service plan update due to a significant change in client function or status and replace it with a requirement that the client be notified within 3 business days of a service plan update but does not need to provide proactive consent for the update.” Removing the rights of clients or their legal representatives from consenting to a change in their service plan seemingly serves no purpose, and erodes the right of a person (or their legal representative) to direct their own care.

For the foregoing reasons, DRM opposes LD 1442. We would encourage the Committee to consider amending this legislation to remove the provisions discussed in this testimony.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Wille". The signature is written in a cursive, flowing style.

Lauren Wille, Esq.
Legal Director
Disability Rights Maine