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April 23, 2025

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

Re: LD 1606 – *An Act to Require Data Collection and Major Substantive Rulemaking for the Lifespan Waiver Providing Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities, Autism Spectrum Disorder, or Other Related Conditions*

Dear 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 to LD 1606, *An Act to Require Data Collection and Major Substantive Rulemaking for the Lifespan Waiver Providing Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities, Autism Spectrum Disorder, or Other Related Conditions*.

This bill proposes that all rulemaking related to the forthcoming Medicaid Home and Community Based Services (HCBS) Lifespan Waiver be designated as “major substantive.” Under current law, only the initial rulemaking is classified as “major substantive”, with subsequent amendments considered “routine technical”.

When the Department negotiated changes to the authorizing Lifespan Waiver legislation during the 131st Legislature, we reached a thoughtful compromise: that the first rule would be major substantive, while future amendments would follow the routine technical process. LD 1606 would overturn this agreement and risks creating unnecessary delays and barriers to program improvements. Once Lifespan is implemented, we anticipate the need for periodic revisions based on stakeholder feedback and operational experience. Requiring major substantive rulemaking for any future changes would complicate the Department’s ability to make timely adjustments.

Regarding the data collection and reporting requirements proposed in LD 1606, the provisions outlined in the bill are largely duplicative of existing requirements under §5003-A, sub-§6.B.(1). These statutory requirements already apply to all intellectual and developmental disability (IDD) related programs. Additionally, the Department currently submits an annual report as required by §5003-A. Creating a separate reporting mechanism solely for the Lifespan Waiver would result in redundancy and inefficiency.

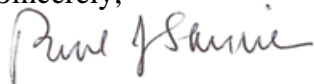
Some of the proposed data elements are also impractical or unnecessarily intrusive, such as the requirement to report the ages of shared living providers. The Department is actively working toward the adoption of a uniform set of HCBS quality measures across all waivers, aligned with federal HCBS rules. Over the past eight months, we have engaged extensively with partners and are in the process of finalizing a comprehensive plan to [make HCBS data more available](#) to everyone. The CMS-developed HCBS Quality Measure Set, which includes indicators such as waitlists, care gaps, and time required to initiate new services, has undergone years of expert review and represents the most valid, nationally standardized benchmarks. Aligning with these measures ensures both federal compliance and comparability with programs in other states. Requiring Maine to maintain a separate, parallel data system for state-specific measures would not be feasible with existing resources.

It is also important to note that LD 977, sponsored by Representative Cluchey and passed unanimously by this Committee (OTP-A), addresses care gap methodology. That bill directs the Maine Health Data Organization (MHDO) to develop a consistent, federally compliant, cross-program approach. In the meantime, the Department continues to expand the availability of relevant data and has been publishing increasingly detailed data elements on a quarterly basis [on our website](#).

In conclusion, while we support transparency and effective program oversight, LD 1606 introduces requirements that are redundant, administratively burdensome, and counterproductive to the efficient implementation and adoption of the Lifespan Waiver. We respectfully urge the Committee to oppose this bill.

I would be pleased to provide additional information and make myself available for the work session.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Saucier", written in a cursive style.

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