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LD 258, HPO163, "An Act Making Unified Appropriations and Allocations from the General Fund and Other Fund for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2023, June 30, 2024, and June 30, 2025"

IN SUPPORT

February 22, 2023

Good afternoon, Senator Rotundo, Representative Sachs, and members of the Joint Standing Committee on Appropriations and Financial Affairs, Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services. My name is Laura Harper, and I am a Senior Associate at Moose Ridge Associates. I am here today to present testimony on behalf of the Maine Long-Term Care Ombudsman Program.

The Maine Long-Term Care Ombudsman Program provides advocacy services for residents in nursing homes, assisted housing (residential care and assisted living) and for recipients of home care services. Additionally, the program provides assistance to patients in hospitals who encounter barriers in accessing the long-term services and supports they need when they are ready to be discharged.

Initiative: Provides funding to annualize funds received in Public Law 2021, chapter 635 to reduce the waitlist programs under the Office of Aging and Disability Services rule, Chapter 5, Section 63, In-Home and Community Support Service for Elderly and Other Adults.

A-342	2023-2024	2024-2025
GENERAL FUND	<u>558,756</u>	<u>7,263,828</u>
All Other	Total 558, 756	7,263,828

Home-Based Care (section 63) Services: An Essential Program for Older and Disabled Adults Who Want to Remain at Home

The Ombudsman Program is pleased to support funding that sustains the expansion of the Home-Based Care (HBC) program (Section 63) that was approved in last year's Supplemental budget. This state funded program provides home care services for older and disabled adults who are ineligible for MaineCare and lack sufficient financial resources to pay for in-home care services. HBC provides services including personal care, adult day services, Physical and Occupational skilled therapies and respite services. The program offers a range of support from a few hours a week of care to providing nursing home level of care at home. It is an essential program that can help prevent or delay the need for care in a long-term care home. Additionally, the provision of these services provides much needed support to family caregivers.

Time and time again, we have seen the great value of the Home-Based Care Program. For example, the husband of a woman in her 80's with advanced dementia requested our assistance. His wife required constant supervision. He was feeling overwhelmed with her care. His wife had been on the waitlist for the HBC program for eight months. We made an inquiry about her spot on the waitlist and were told a funded spot was opening up for her. She was reassessed for services and was able to receive the care and support she needed. This made the difference in keeping her at home, avoiding an admission to a long-term care home.

Initiative: Provides one-time funding for a contracted consultant to assist personal care agencies with licensing, training and quality standard requirements identified as a result of Resolve 2021, chapter 117.

A-342

	2023-2024	2024-2025
GENERAL FUND		
All Other	<u>221,000</u>	<u>442,000</u>
Total	221,000	442,000

Personal Care Agency Management and Quality Standards will be improved with Consulting Support

We support this initiative that would assist Personal Care Agencies with licensing, training and quality standards. In our experience, there is a great need for this support to assure that these agencies are well

prepared to meet their obligations both to their employees as well as to the home care recipients they serve. Personal Care Agencies (PCA) provide non-medical services to individuals in their homes, they are registered with the Division of Licensing and Certification (DLC). PCA services include, but are not limited to activities of daily living, household tasks and medication reminders. Older adults and adults with disabilities rely on PCA services to remain independent in the community. They are an integral part of long-term services and supports in Maine. Providing a consultant for PCA agencies to assist with licensing, training and quality standards of service will improve their ability to maintain staffing and provide care. The success of PCA agencies directly impacts access to and quality of home care services for consumers.

A-343

Initiative: Provides ongoing funding for home delivered meals to replace expected decrease in federal COVID-19 funding in order to extend home delivered meal services to homebound older adults and those age 18 and over receiving services under the Office of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults.

	2023-24	2024-25
GENERAL FUND	<u>2,286,048</u>	<u>3,189,351</u>
All Other	Total 2,286,048	3,189,351

Meals on Wheels Improves Health Outcomes and Reduces Social Isolation

We support funding for home delivered meals. This funding will provide 270,000 meals in SFY23, 375,000 meals in SFY 24, sustaining the delivery of approximately 1 million meals per year. (*Maine DHHS Announces Major Investment in Healthy Aging, January 11, 2023*) This is an important investment in improving health outcomes and in reducing social isolation for homebound older adults and those receiving Home Based Care, Section 63 services. Recipients may lack social support, have physical disabilities and suffer from economic hardship. The interaction with volunteers who deliver the meals can be beneficial to recipients as well as the benefit of providing nutritious meals.

Initiative: Provides funding for a proposed per diem rate increase for the 5 contracted providers of affordable assisted living facility services under the oversight of the Office of Aging and Disability Services

A-343	2023-24	2024-25
GENERAL FUND	<u>1,217,698</u>	<u>1,217,698</u>
All Other	Total 1,217,698	1,217,698

Affordable Assisted Living is an Important Model of Care

The Ombudsman Program is pleased to support a per diem rate increase for Maine's seven affordable assisted living programs. These tax credit projects serve low-income older adults and adults with disabilities and are located in the following areas: Sanford, Portland, Saco, Camden, Augusta, Bangor and Millinocket. Each resident has their own apartment with access to support services as needed. These services include meals, personal care, medication administration, homemaker services and emergency response system. Over 200 residents live in the seven projects. Our experience with residents is that they are very satisfied with the quality of life and care the projects provide. This budget initiative that would provide a greatly needed per diem rate increase is the result of the program and financial review of the affordable assisted living projects recently conducted by Guidehouse Inc. for the Department of Health and Human Services, Office of Aging and Disability Services. This comprehensive review will be very important in providing information that will guide the sustainability of the projects that serve as a critical part of the long-term services and supports continuum.

Initiative: Provides Funding for cost of living increases per Public Law 2021, chapter 639, An Act To Codify MaineCare Rate System Reform, related to the department's rule chapter 101, MaineCare Benefits Manual, Chapter III sections 12, 18, 19, 20, 21, 29 and 96 and Public Law 2021, chapter 398, Part AAAA.

A-364

GENERAL FUND	<u>2,487,587</u>	<u>3,828,740</u>
All Other	Total 2,487,587	3,828,740

FEDERAL EXPENDITURES FUND	<u>11,709,860</u>	<u>17,957,401</u>
All Other	Total 11,709,860	17,957,401

Home Care Programs that Support Older and Disabled Adults to Live Independently in the Community

The Ombudsman Program supports cost of living increases for home care programming including: Section

19, 18, 12 and 20. Section 19 Home and Community Benefits for the Elderly and Adults with Disabilities provides home care services for those that are nursing home level of care and want to stay in their own home. Section 18 Home and Community-Based Services for Adults with Brain Injury provides services to qualifying individuals who have sustained an acquired brain injury. Section 12 Consumer Directed Attendant Services allows home care consumers with physical disabilities to consumer direct their own care. Section 20 Home and Community based services for Adults with Other Related Conditions allows consumers with cerebral palsy or other related conditions who are institutional level of care to choose to live in the community with support. These programs prevent adults with disabilities from inappropriate institutionalization and give those in institutions the ability to move back into the community. Increased funding is necessary to ensure timely access to services, prevent informal caregiver burnout and make sure services are of the highest quality.

Initiative: Establishes 8 Human Services Caseworker positions and 2 Human Services Casework Supervisor positions in the Office of Aging and Disability Services Adult Protective Services program to support the work of preventing abuse, neglect and exploitation of incapacitated or dependent adults in Maine. This initiative also provides funding for All Other costs.

A-388

	2023-24	2024-25
GENERAL FUND		
Positions- LEGISLATIVE COUNT	10.000	10.000
Personal Services	980,276	1,029,028
All Other	<u>65,370</u>	<u>65,370</u>
Total	1,045,646	1,094,398

Adult Protective Services Must Have the Staff Capacity to Respond to the Rising Number of Reports

The Ombudsman Program supports funding to add eight Human Services Caseworkers and two Human Services Supervisors. Increasing the staff capacity of Adult Protective Services (APS) is a top priority in the Elder Justice Roadmap, as it should be, in order to assure that this agency is able to respond to the rising number of reports it receives. APS has a critical role in responding to and investigating allegations of abuse, neglect, and exploitation of incapacitated and dependent adults. In order to be effective in their essential role, they must have sufficient staff.

A-389

Initiative: Provides Funding for the elder services connection project per the recommendation of the Elder Justice Roadmap.

	2023-24	2024-25
GENERAL FUND	<u>600,000</u>	<u>800,000</u>
All other	Total 600,000	800,000

Elder Services Connection Program: Successful in Reducing the Recurrence of Abuse

The Elder Services Connection is a program of the Elder Abuse Institute of Maine that works in partnership with DHHS, Adult Protective Services (APS). This program provides support and advocacy for adults 60 and older that have experienced abuse, neglect, self-neglect and/or financial exploitation, and have had open cases with APS. Over 200 clients have been served since 2019. The pilot program has been successful in reducing the recurrence of abuse among clients served.

A-391

Initiative: Provides funding to reimburse Maine Legal Services for a full-time staff attorney and part-time helpline attorney per the recommendation of the Elder Justice Roadmap.

	2023-24	2024-25
GENERAL FUND	<u>184,500</u>	<u>184,500</u>
All Other	184,500	184,500

Maine Legal Services for the Elderly: An Extremely Effective Organization

We are pleased to support this initiative that requires increasing the staffing capacity at Maine Legal Services for the Elderly (LSE) with one full-time staff attorney and a part-time helpline attorney. Increasing the staffing capacity of LSE is identified as a top priority recommendation in the Maine Elder Justice Roadmap. With additional staffing, it would allow LSE greater capacity to represent victims of abuse as well as other older persons who need legal assistance. There is a critical need for statewide access to legal services for low-income older persons. This non-profit legal services organization is

extremely effective in addressing a range of issues on behalf of the individual's they serve. The Ombudsman Program often works collaboratively with LSE on issues impacting the older and disabled adults we serve who need long-term services and supports. In fact, they are a critical partner in the advocacy work we do.

The following are examples of the effectiveness of LSE:

LTCOP was contacted by a home care consumer who wanted to appeal her reduction in home care services, she was reduced from 64 hours a week to 29 hours a week. LTCOP filed an appeal and made a referral to LSE, the assigned LSE lawyer and regional ombudsman investigated and found consumer had a significant health decline and loss of informal support since the assessment. The LSE lawyer advocated that the department reassess in lieu of an appeal, the department agreed, and the consumer was reassessed and restored to her previous hours.

LTCOP was contacted by the family of a medically complex home care consumer. The consumer was at cap for how many hours she could receive under the program she was on. The family was facing burn out and requested assistance to go over program cap. LTCOP made a referral to LSE, the assigned lawyer made an ADA reasonable accommodation request to go over program cap. The ADA was approved, and the family was able to get the additional home care hours they needed for the consumer to remain at home.

A-391

Initiative: Provides funding to the Area Agencies on Aging to enhance Maine's aging and disability resource centers and no wrong door system programs

	2023-24	2024-25
GENERAL FUND	<u>500,000</u>	<u>500,000</u>
All Other	Total 500,000	500,000

Aging and Disability Resource Centers: An Important Resource for Information

The Ombudsman supports funding for the Area Agencies on Aging to enhance their Aging and Disability Resource Centers (ADRC). Older and disabled adults who require long long-term services and supports as well as their family members, need an identified community resource for information about these services. ADRCs provide information about the options for services, caregiver support programs,

caregiver training, respite, and benefits programs. They are an important resource to help older and disabled adults and their family members in accessing the information and services they need.

A-411

Initiative: Provides funding for a high MaineCare utilization add-on payment to private non-medical institutions that care for residents who are older or disabled, or PNMI-Cs, as a bridge to broader payment reform that will go into effect January 1, 2025.

	2023-24	2024-25
GENERAL FUND		
All OTHER	<u>2,572,500</u>	<u>2,572,500</u>
Total	2,572,500	2,572,500

Add -on Payment for Residential Care, Appendix C with high Maine Care Utilization

The Ombudsman Program supports an add-on payment for PNMI-Cs with high MaineCare utilization. This measure will aid in assuring access to care for older and disabled adults who are MaineCare eligible and need admission to a PNMI-C. It will also help in supporting the financial stability of these homes that are faced with rising costs. Admission to PNMI-Cs is in great demand across the state. In FY 22, the second most prevalent request for assistance received by the Ombudsman Program concerning PNMI-Cs, was for help in finding placement. We have seen long periods of waiting for older and disabled adults who need this care.

A-411

Initiative: Provides funding to implement rates from rate studies for MaineCare Benefits Manual Chapter III, Section 2, Adult Family Care Services, and Section 26, Day Health Services, effective January 1, 2023 in order to comply with public law 2021, chapter 398, Part AAA

	2023-24	2024-25
GENERAL FUNDS		
All Other	<u>734,457</u>	<u>734,457</u>
Total	734,457	734,457

MaineCare funded Adult Family Care Homes and Adult Day Services

We support funding to implement rates from rate studies for MaineCare funded Adult Family Care Homes and Adult Day Health Services. Adult Family Care Homes are small residential care homes with

eight or fewer beds. These homes are in demand for admission as are the larger residential care homes. Adult Day Services provide a critical support for the older and disabled adults they serve as well as for family caregivers. Attendance in a day program, may prevent or delay admission to a long-term care home. These programs allow family caregivers needed respite or the ability to continue to work while keeping a loved one at home.

Thank you for your consideration.

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