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HOUSE OF REPRESENTATIVES

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Testimony of Representative Jessica Fay Presenting
**LD 346, An Act To Create A Pilot Program for Family Caregivers of
MaineCare Eligible Children With Disabilities**
(formerly, An Act to Clarify the Requirements for Family Caregivers)
Before the Joint Standing Committee on Health and Human Services

Representative Meyer, Senator Baldacci and honorable members of the Health and Human Services Committee, thank you for the opportunity to present LD 346 with an amended title of ***“An Act To Create A Pilot Program for Family Caregivers of MaineCare Eligible Children With Disabilities.”***

I have testified in past legislatures in favor of a program that would allow the parents of children with disabilities who are MaineCare eligible to be paid to provide personal care to those children. This Committee has passed this policy twice – in the 129th Legislature and in the 130th Legislature.

Maine continues to have a serious shortage of care workers, as this Committee is well aware. Family members of MaineCare eligible people over 18 with disabilities can be paid through a financial agent for providing approved personal care to that MaineCare member. Currently that option doesn't exist for parents of children under 18. Parents struggling to find personal care for their disabled children often must leave the workforce to provide it themselves. This can leave a family with significant financial challenges – if a parent could be paid to do the care that they can't find elsewhere, we could solve two problems at once. We would have care for that child and we would allow the parent some income.

According to Director Probert in her testimony on **LD 1204, *An Act To Address the Shortage of Direct Care Workers for Children with Disabilities in Maine:***

“The State would not be able to reimburse parents who provide personal care services to their children through the MaineCare program unless the federal government granted a waiver. Without a waiver, the State would not be able to receive federal matching funds and would be funding the service with 100% state funds. The Department understands the need for personal care services; however, we believe the federal exclusion rests upon sound policy justifications and that a waiver would be difficult to obtain.”

The amendment to the bill before you changes the name of the bill and creates a state-funded pilot program that allows parents in very specific situations to be paid to assist with activities of daily living when other options are not available. The Department suggested that a state-funded program would be easier to implement because of CMS regulations. I am eager to work with the Committee and the Department to make this program work for the families of children with MaineCare eligible disabilities.

Thank you for your time and attention.

There is testimony available to you from two previous legislatures that tells the stories of parents of children with disabilities:

- **129th Legislature:** LD 1936, *An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors*
- **130th Legislature:** LD 1204, *An Act To Address the Shortage of Direct Care Workers for Children with Disabilities in Maine*

Sponsor amendment to replace concept draft. New title:

**LD 346 – An Act To Create A Pilot Program for Family Caregivers of
MaineCare Eligible Children With Disabilities**

Sec. 1. Department of Health and Human Services to establish a state-funded pilot program for in-home personal care services to minors. Resolved: That the Department of Health and Human Services, referred to as “the department” shall establish a state-funded pilot program, to allow the parent of a child who is deemed eligible for in-home personal care services under the MaineCare program to register as a personal care agency and receive reimbursement for those services to a child. To qualify for reimbursement under this section, the parent must have made reasonable efforts to obtain regular in-home personal care services and have satisfied the requirements of the applicable background check required of providers of in-home personal care services. For the purposes of this section, “personal care agency” has the same meaning as in the Maine Revised Statutes, Title 22, section 1717, subsection 1, paragraph C.

Sec. 2. Personal care agency requirements. Resolved: That in order for a parent to be registered as a personal care agency under section 1, another individual who is not a parent of the child must be designated the employer. The person designated as the employer must be approved by both the department and the parent to act in the child’s interest.

Sec. 3. MaineCare eligibility. Resolved: That a minor child’s eligibility for MaineCare, including eligibility for in-home personal care services, is not affected by a parent receiving reimbursement for services under section 1.

Sec. 4. Pilot program period; expenditures capped. Resolved: That reimbursement provided under the pilot program established by this Resolve is available through calendar years 2024 and 2025. The expenditures for the pilot program are capped at \$500,000 over the entire period of the pilot program.

Sec. 5. Rulemaking. Resolved: That the department shall adopt any rules necessary to implement the pilot program established by this Resolve. The department may adopt any rules necessary to implement the pilot program as long as the rules are adopted no later than January 1, 2024. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, Chapter 375, subchapter 2-A.

Sec. 6. Reports. Resolved: That the department shall provide reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department shall provide an interim report no later than January 1, 2025 and a final report no later than January 1, 2026 with the status of the program including children served, enrollment applications, and expenditures. The department shall also notify the committee when any rulemaking pursuant to Section 5 is completed. The committee is authorized to report out legislation pursuant to the interim report and the final report to either session of the 132nd Legislature.

Sec. 7. Appropriations and allocations. Resolved: That the following appropriations and allocations are made. [\$500,000 in General Funds]

SUMMARY

This bill establishes a two-year pilot program funded by General Funds to allow the parent of a child who is deemed eligible for in-home personal care services under the MaineCare program to be paid for providing those services to the child. The parent must be registered as a personal care agency and another individual is designated as the employer. The parent must have made reasonable efforts to obtain regular in-home personal care services and have satisfied the requirements of the applicable background check required of providers of in-home personal care services. The program is available through calendar years 2024 and 2025 and funding is capped at \$500,000. The department shall provide an interim and final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.