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TESTIMONY
In Support of
LD 208; An Act Concerning Home Care Services

Joint Standing Committee on Health and Human Services
April 10, 2023

Maine Long-Term Care Ombudsman Program

Good afternoon, Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services.

My name is Laura Harper. I am a Senior Associate at Moose Ridge Associates. I am here today to present testimony in support of this legislation on behalf of the Maine Long-Term Care Ombudsman Program.

The Ombudsman Program is a nonprofit agency that provides statewide advocacy for older and disabled residents of nursing homes, residential care, assisted living and for recipients of home care services. Additionally, the program serves patients in hospitals who experience barriers in accessing the long-term services and supports they need when they are ready for discharge. This legislation requires the Department of Health and Human Services to publish on its publicly accessible website a waiting list for individuals eligible for Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities, and Section 96, Private Duty Nursing and Personal Care Services. It requires that it include: individuals eligible that are fully served, those eligible that are partially served and the number of unstaffed hours, those eligible that are waiting and the number of unstaffed hours, days on average for individuals waiting to receive services and the provision of this information by county. It requires an annual report beginning in February 2024 to the Joint Standing Committee on Health and Human Services on wait list for these home care programs including a plan to clear the waiting lists. Additionally, it requires an eligibility assessment for children under 21 years of age for private duty nursing and personal care in a residential setting or other setting.

At present, the Department publishes on its website, [https:// www.maine.gov/dhhs/oads/about-us/data-reports/participation-and-waitlist-data](https://www.maine.gov/dhhs/oads/about-us/data-reports/participation-and-waitlist-data), the number of individuals served under Sections 19 and 96. While there are no wait lists for these programs at present, the website is designed to include this information should there be a waitlist in the future. However, it does not provide information regarding unstaffed hours and the location of those waiting for services by county. We believe that publishing the information required by this legislation will be helpful to the public. Though there are no wait lists for these home care programs, there are unstaffed hours which does mean that older and disabled people eligible for these services are waiting to receive the care they need. In fact, under Section 19 it is of great concern that over one third of individuals eligible for care are receiving only partial or no care. Under Section 96, the percentage is even higher with nearly fifty percent receiving only partial or no care. (Second Annual Report Pursuant to PL 2021, c.398, Section AAAA-7)

We should remember that individuals eligible for Section 19 meet the criteria for nursing home care but choose to remain in the community. It is also true that some of the individuals who are eligible under Section 96 for care have a high level of need. It always presents a risk to older and disabled individuals when needed care is not provided. It may mean a decline in condition, hospitalization or admission to a long-term care facility. Additionally, it also places a strain on family caregivers struggling to keep a loved one at home.

The requirement in this legislation that the Department include in an annual report a plan to clear wait lists and to ensure that individuals will receive services for the hours for which they are eligible is important. There is much work to address the direct care workforce shortage that is being carried out by the Department of Health and Human Services, Office of Aging and Disability Services and the Department of Labor. As these efforts continue, information about staffing shortages by discipline, for example: nursing, Personal Support Specialist (PSS), as well as by county will be helpful in planning to address recruitment and retention.

Thank you for your consideration.

Office of Aging and Disability Services

Participation and Waitlist Data for OADS Programs

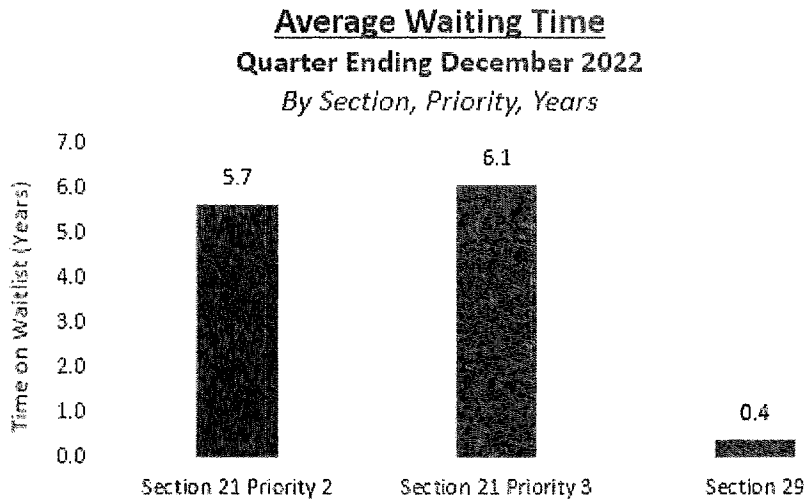
This page is updated quarterly and reflects data as of December 2022. Please contact oads@maine.gov (<mailto:oads@maine.gov>) regarding any questions about this data.

Developmental Disabilities and Brain Injury Program Participants and Waitlists

WAIVER PROGRAM	PARTICIPANTS	WAITLIST	WITH OTHER COVERAGE	WITHOUT OTHER COVERAGE	PERCENT OF CURRENT PARTICIPANTS WITHOUT OTHER COVERAGE
Brain Injury (Section 18)	195	170	105	65	33%
Other related Conditions (Section 20)	44	16	8	8	18%
Comprehensive Services for IDD/ASD (Section 21)	3,353	1,951	1,640	311	9%
Support Services for IDD/ASD (Section 29)	2,743	185	99	86	3%
Unduplicated Member* Totals	6,335	2,267	1,769	498	8%

*Members can be on multiple waitlists simultaneously.

Developmental Disabilities Lengths of Wait Time



Notes:

- Wait time is reported regardless of other coverage
- Members who meet Section 21 Priority 1 criteria receive an immediate offer
- More information regarding Section 21 priority level determination can be found in the [MaineCare Benefits Manual Ch. II Section 21](https://www.maine.gov/sos/cec/rules/10/ch101.htm) (<https://www.maine.gov/sos/cec/rules/10/ch101.htm>)

Medicaid and State Funded Services for Older and Disabled Adults Participants and Waitlists

PROGRAM	PARTICIPANTS	WAITLIST
Home and Community Benefits for Older and Disabled Adults (Section 19)	2,270	0
Private Duty Nursing and Personal Care Services (Section 96)	2,691	N/A
Consumer Directed Attendant Services (Section 12)	309	N/A
State Funded Home Based Care (Section 63)	688	481
State Funded Consumer Directed Home Based Care (Chapter 11)	91	
State Funded Independent Support Services (aka Homemaker) (Section 69)	1,464	1,268
Totals	7,513	1,749

Waitlist Data for Previous Quarters

- [Quarter ending September 2022 \(Word\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-September-2022_0.docx) (https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-September-2022_0.docx)

- [Quarter ending June 2022 \(Word\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-June-2022.docx)
(<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-June-2022.docx>)
- [Quarter ending March 2022 \(Word\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-March-2022.docx)
(<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-Data-March-2022.docx>)
- [Quarter ending December 2021 \(Word\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-12-31-21_2.docx)
(https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-12-31-21_2.docx)
- [Quarter ending September 2021 \(Word\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-9.30.21.docx)
(<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-9.30.21.docx>)
- [Quarter ending June 2021 \(PDF\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-6.30.21.pdf)
(<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Waitlist-6.30.21.pdf>)
- [Quarter ending March 2021](https://www.maine.gov/dhhs/oads/about-us/data-reports/waitlist-q1-2021) (<https://www.maine.gov/dhhs/oads/about-us/data-reports/waitlist-q1-2021>)
- [Quarter ending September 2020](https://www.maine.gov/dhhs/blog/enrollment-maines-home-and-community-based-waiver-programs-increased-7-during-pandemic-2021-02-22) (<https://www.maine.gov/dhhs/blog/enrollment-maines-home-and-community-based-waiver-programs-increased-7-during-pandemic-2021-02-22>)
- [Quarter ending June 2020](https://www.maine.gov/dhhs/blog/quarterly-update-supporting-adults-developmental-disabilities-and-brain-injury-their-homes-and-2020-08-21) (<https://www.maine.gov/dhhs/blog/quarterly-update-supporting-adults-developmental-disabilities-and-brain-injury-their-homes-and-2020-08-21>)
- [Quarter ending March 2020](https://www.maine.gov/tools/whatsnew/index.php?topic=DHHS-OES-Updates&id=2502698&v=details-2020) (<https://www.maine.gov/tools/whatsnew/index.php?topic=DHHS-OES-Updates&id=2502698&v=details-2020>)
- [Quarter ending December 2019](https://www11.maine.gov/dhhs/blog/quarterly-update-supporting-adults-developmental-disabilities-and-brain-injury-their-homes-and-2020-03-10) (<https://www11.maine.gov/dhhs/blog/quarterly-update-supporting-adults-developmental-disabilities-and-brain-injury-their-homes-and-2020-03-10>)
- [Quarter ending September 2019](https://www.maine.gov/tools/whatsnew/index.php?topic=DHHS-OES-Updates&id=1614698&v=details-2020) (<https://www.maine.gov/tools/whatsnew/index.php?topic=DHHS-OES-Updates&id=1614698&v=details-2020>)

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