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Testimony of Director William Montejo, RN
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In Support of LD 636 - *An Act to Authorize the Department of Health and Human Services to License and Ensure the Quality of Personal Care Agencies*

April 10, 2023

Good afternoon, Senator Baldacci, Representative Meyer and Members of the Committee on Health and Human Services, my name is Bill Montejo, I am the Director of the Division of Licensing and Certification for the Department of Health and Human Services. I am here today to help introduce and speak in strong support of LD 636, *An Act to Authorize the Department of Health and Human Services to License and Ensure the Quality of Personal Care Agencies*. The Department is grateful to Representative Craven for sponsoring this proposal.

As many of you recall, the Committee heard a bill from Senator Maxmin a few years ago that sought to address constituent concerns about oversight of personal care agency staff. These staff are in the homes of vulnerable and dependent adults who can be at risk. While the vast majority of personal care staff are professional, kind, and excellent in their jobs, the Committee also heard stories of theft, exploitation, and a lack of accountability or repercussions when these issues occurred. This conversation resulted in Resolves 2021, Ch. 117, which directed the Department to review its current regulatory and oversight authority. In addition to the review, the Department also held stakeholder events to gather preliminary concerns and suggestions for improving the quality of personal care service. Both stakeholder events were held virtually due to the public health emergency.

The stakeholder feedback and preliminary analysis conducted by the Department clearly identified the following:

- Importance of training and ensuring quality of personal care staff;
- Strengthening the administrative process for establishing a personal care agency; and
- Clarifying and strengthening the Department's investigative and enforcement authority over quality issues and complaints.

In response to this engagement and review, the Department is putting forth this proposal to create a licensing structure for Personal Care Agencies similar to other agencies currently licensed by the Division of Licensing and Certification.

LD 636 will replace a registration process with a licensing process for personal care agencies. This includes providing the Department with the statutory authority to create licensing rules and

a quality assurance process for personal care agencies that serve older adults and adults with disabilities.

Finally, in what amounts to a technical change, the bill also removes “placement agencies” from registration or licensing requirements as there are few of these agencies and they involve little to no direct client contact.

We appreciate the Committee’s and stakeholder’s engagement on this topic over the years and are looking forward to taking this next step to ensure quality care for people in Maine. We hope you will vote ought to pass, and I would be happy to answer any questions you may have and will plan to attend the work session.