



Testimony of Pete Plummer, COO
Woodfords Family Services
In Support of LD 744

An Act to Ensure Access to Services for Adults with Intellectual and Developmental Disabilities by Requiring Rate Studies for Home and Community-based Services

**Joint Standing Committee on Health and Human Services
April 13, 2023**

Good Afternoon, Senator Baldacci, Representative Meyer and esteemed members of the Health and Human Services Committee.

My name is Pete Plummer. I am the Chief Operating Officer of Woodfords Family Services. Woodfords is a 501 c (3) Not for Profit organization with its central office located in Westbrook, Maine. We provide multiple services to children and adults with Intellectual Developmental Disabilities (IDD) and their families, ranging from preschoolers to adults living in group homes and many services in between. I am in strong support of LD 744, as amended.

My primary request is for a “**True Per Diem**” rate, not the Per Diem as recognized in the current rule. The current Per Diem rate/billing process was described to me by a former OADS administrator as “Crazy Work”, after he left OADS for employment in an agency providing this service, then recognized the complexity involved. The term “Per Diem” in the current rule is a stretch, it is better defined as an “Hourly Rate with a Daily Cap”.

The source for the MaineCare billing data to create the current “Per Diem” are the hours that the Direct Support Professionals (DSP) spend in each home, which is tracked through time and attendance payroll information. We total the amount of hours of direct service provided in each home over the month, then divide that total by the number of days in the time period the consumers were home, and then again by the number of consumers in that home. Each home has an approved budgeted number of hours per week, or day, which is used to determine the “Per Diem” rate for the home. If that’s not complicated enough, here comes the tricky part.

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Per the current rule, if the home provides at least 92.5% of the approved time in the home, they can bill 100% of the approved daily "Per Diem" rate. If the hours provided fall below the 92.5%, for example 90% of the approved hours are provided, then the agency can only bill 90% of the approved rate, if only 80% of the approved hours are provided, then the agency can only bill 80% of the approved rate; and so on. Now, if the home has a period of time of increased staffing hours due to increased behaviors, or other staffing needs that cause the provider to staff above the 100% staffing determined in the budget, the agency is capped and not reimbursed for the additional staff time. Due to staff shortages, Woodfords and many if not all of our like agencies pay tremendous amounts of overtime to the DSP's providing this service to comply with the minimum staffing requirements.

I would like to end by letting you know how supportive the Department has been during the pandemic. OMS and OADS, through the opportunity of the K-Waiver has been able to adjust the 92.5% staffing rule down to 80%. Woodfords needed to close two group homes during the pandemic and we would have never survived the pandemic without the adjustment in the staffing offered by OADS. While the pandemic may be winding down the staffing shortages have persisted. In order to sustain programming we need to have a reasonable staffing window to survive until a new daily rate is determined. The reason Woodfords strongly supports this legislation is so that we can work with OADS and the Department to create a "True Per Diem", a daily rate that is not adjusted downward due to staffing shortages. The daily rate includes many expenses that go beyond staffing. As you can likely gather from my testimony the current billing model is way too complicated and confusing and needs to be simplified.

Thank you for your time and letting me share my thoughts. If you have any questions now or before the work session I will make myself available.

Respectfully Submitted,

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