



61 Winthrop Street • Augusta, ME 04330
1-800-499-0229 • Fax 207-621-0509
MLTCOP@MaineOmbudsman.org

TESTIMONY

In Support of

LD 1406; An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care

Joint Standing Committee on Health and Human Services

April 18, 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, assisted housing, 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 to develop educational materials to assist individuals with accessing programs that allow family members or legal guardians to be reimbursed for providing personal care services to a family member who is eligible to receive home and community-based services under the MaineCare program or a state funded program. Public education focused on assisting family caregivers in accessing these programs when needed is critical in building effective family support across the state. Additionally, developing educational materials that would provide information regarding MaineCare eligibility for long-term services and supports could assist older and disabled individuals and their family caregivers in planning and avoiding a transfer of assets that would impact eligibility.

Repeatedly, the Maine Long Term Care Ombudsman Program staff have observed the enormous value and dedication of family caregivers. These individuals step in, often with little support to keep a loved one at home. Increasingly, they are called upon to carry out skilled care tasks they may have had little training to perform. The important contribution of family caregivers can lessen the need for home care services, hospitalizations, and may prevent or delay the need for care in a long-term care facility. Their role has become even more critical as Maine has experienced a significant direct care workforce shortage that has resulted in limiting access to services across the continuum of long-term services and supports. When staffing cannot be found to provide home care, a family caregiver may be the only support available to provide care to an older and disabled adult. For those individuals waiting in the

community for care in a nursing home or residential care, they may provide the only help available. There are approximately 166,000 family caregivers in Maine. *Valuing the Invaluable 2023 Update Strengthening Supports for Family Caregivers*, AARP Policy Institute. 61% work either full or part time. *AARP and National Alliance for Caregiving 2020*. Family caregivers often struggle to manage both employment and caregiving responsibilities. Sometimes it is necessary for a family caregiver to leave their employment in order to be available to provide care for a loved one.

- This is just one example of the dedication and necessity of family caregiving. The Ombudsman Program staff have provided advocacy over a long period of time for a mother who is providing care to her daughter who has complex medical needs. Because R.N. staffing could not be found, the mother had to leave her employment. Though care in a long-term care facility was considered, admission could not be found. The complex needs of her daughter were a barrier to admission. Fortunately, the home care program allows payment for the care the mother provides.
- Sometimes family caregivers may not have all the information they need. Ombudsman Program staff were contacted by a woman who had left her job to provide care for her husband. She believed that she would receive payment for 36 hours a week approved under the care plan. However, payment was only allowed for 26 hours of personal care excluding other tasks included in the care plan. Had this been known, it may have impacted her decision. Unfortunately, this has financial implications for this family.

Maine family caregivers should be able to easily access information about programs that allow payment for caregiving. Every effort should be made to expand public education to reach family caregivers early. Washington State has established a strong and effective family caregiver support program that includes an emphasis on public education along with other resources and strategies. This has resulted over time, in reduced reliance on nursing home care and substantial savings in the Medicaid program.

Additionally, information should be easily accessible to inform care recipients about the importance of having a written personal care agreement when payment is provided out of pocket to family members providing care. If the individual applies for MaineCare, the agreement can show that payment was made legitimately and not to "hide" assets by giving cash to family members. Both care recipients and family caregivers should have information about MaineCare eligibility and potential penalties if funds are transferred to family members. Many care recipients and family caregivers may not be aware of this. The use of Maine's Long Term Care Support Services Agreement can provide important consumer protection and calls attention to the need for the proper use of funds. Maine's caregiver agreement should be widely known and accessible. It is available on the Department's web site. However, it may be difficult to find.

Thank you for your consideration.

LONG TERM CARE PERSONAL SUPPORT SERVICES AGREEMENT

This Agreement is made by and between the following parties:

_____ and _____ on
ELDER/ADULT WITH DISABILITIES CAREGIVER

DATE

Term of Agreement

This Agreement shall commence on _____, and may be
Date
terminated by either party on reasonable notice to the other party.

Purpose

The purpose of this Agreement is to set forth the terms and conditions under which CAREGIVER will assist ELDER/ADULT WITH DISABILITES with instrumental activities of daily living and/or activities of daily living in order for ELDER/ADULT WITH DISABILITIES to continue to live at home and prevent the ELDER/ADULT WITH DISABILITIES from moving to a residential or nursing care facility.

Services to be Performed

CAREGIVER will provide care to ELDER/ADULT WITH DISABILITIES in

Specify location, i.e. Home of the ELDER/ADULT WITH DISABILITIES/CAREGIVER'S own home/OTHER

Services to be provided by CAREGIVER will include, but shall not necessarily be limited to:

Check all that apply and provide detailed information about the services to be performed to meet the specific needs of the Elder/Adult with Disabilities.

- 1. Transportation and errands:
 - a. ___ Driving ELDER/ADULT WITH DISABILITIES to medical, dental, adult day care and other appointments and activities;

- b. ___ Shopping for groceries and other items needed by ELDER/ADULT WITH DISABILITIES, and filling/refilling prescriptions;
- c. ___ Running other errands for ELDER/ADULT WITH DISABILITIES.

2. Meals: Preparing _____ meals per day and daily snacks for ELDER/ADULT WITH DISABILITIES.

3. Housework:
a. ___ Cleaning ELDER 's/ADULT WITH DISABILITIES' living area.
b. ___ Laundry and changing linens

4. Financial: Paying ELDER's/ADULT WITH DISABILITIES' bills, balancing Elder's/Adult with Disabilities' checkbook, making deposits, dealing with health insurance, other paperwork.

5. Administration of medication.

6. Assistance with the following activities of daily living: transferring from bed, chair and toilet; ambulation; bathing, hygiene/ grooming; toileting; eating.

OR

Cueing ELDER/ADULT WITH DISABILITIES as to when to dress, eat, get up, go to bed and attend scheduled appointments.

7. Monitoring the ELDER/ADULT WITH DISABILITIES for safety, including responding to alarm system to control wandering/ fall risk.

8. Monitoring the ELDER/ADULT WITH DISABILITIES health, and bringing health problems to attention of health care providers.

9. OTHER:

Schedule

CAREGIVER will provide services on the following schedule:

Compensation

1. ELDER shall pay CAREGIVER \$_____ per HOUR/ DAY/ MONTH.
Circle One
2. TO BE USED IF ELDER LIVES IN CAREGIVER'S HOME: In addition, ELDER/ADULT WITH DISABILITIES shall pay CAREGIVER \$_____ per month for room and board (which consists of a proportional share of mortgage, taxes, insurance, heat, electricity, water, sewer and groceries).
3. ELDER/ADULT WITH DISABILITIES shall reimburse CAREGIVER for all out of pocket expenses borne by CAREGIVER in connection with CAREGIVER'S work. Such expenses shall include mileage at the rate of \$_____ cents per mile.

ON BEHALF OF ELDER/ADULT WITH DISABILITIES:

Date

[To be signed by Elder/Adult with Disabilities or by a legal representative for Elder/Adult with Disabilities such as agent under POA, guardian or conservator]

CAREGIVER:

Date

MENU

Aging and Long-Term Support Administration

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Becoming a Paid Caregiver

There are several ways to become a paid caregiver. You can be hired by:

- A home care agency, adult family home, assisted living facility, or nursing home and be paid by the agency or facility to provide care.
- The person needing care and be paid by him or her directly.
- The person needing care and be paid by the state to provide care services.

Caregiver Support is a Phone Call Away

Talk to caring people for practical caregiving information and help finding local resources/services.

Contact your local Family Caregiver Support Program.

Home Care Agencies and Facilities that Hire Caregivers

Home care agencies hire, train, pay, supervise, and are responsible for the care you provide as a paid caregiver in someone's home. Contact them directly to see if they have any openings. Use The National Association of Home Care and Hospice locator to get a listing of home care agencies in your area.

Adult family homes, assisted living facilities, and nursing home hire, train, pay, and supervise their caregivers. Contact them directly to see if they have any openings. Use the links here to learn more about these types of facilities and get a listing of facilities where you live.

In-Home Caregiver (Individual Provider)

The state pays for a caregiver if the person needing care lives at home, is eligible for care services and needs Medicaid to help pay for them. In this situation, the person who needs care hires and supervises the caregiver, but the caregiver is paid by the Consumer Directed Employer vendor for these services.

All IPs are employees of the Consumer Directed Employer (CDE), Consumer Direct Care Washington. If you have someone you would like to become your caregiver, you can send them to Consumer Direct Care Washington to begin the hiring process.

All IPs are represented by the Service Employees International Union (SEIU) local 775. Learn more.

The types of care tasks that an IP is authorized to do and the number of hours a client is eligible for is determined by a care plan. It is up to the client and CDE to determine how many hours an IP can work. The care plan is the result of a care assessment completed by the DSHS social worker/case manager working directly with the person who needs care.

An IP must meet a number of requirements to be hired, including

- Be 18 or older.
- Pass a criminal conviction background check.
- Provider picture ID and be authorized to work in the U.S.
- Not be the spouse of the person getting care.
- Successfully complete all the caregiver training requirements.

Family or friends as unpaid caregivers

The majority of people who provide care for an adult family member or friend are not paid. There is free or low cost help for unpaid caregivers through the Family Caregiver Support Program. Learn more about the services offered through the Family Caregiver Support Program.

CarinaCare

Carina helps individuals, families and home care professionals find qualified, verified caregivers and more hours. Find out more about this free resource at www.carina.org/

AL TSA

Long-Term Care Services & Information

Caregiver Resources

▶ Client Information and Resources

Long-Term Care Residential Options

In-Home Care for Adults

Kinship Care

▶ Roads to Community Living

▶ Adult Protective Services

Find Local Services, Information, and Resources

State Hospital Discharge and Diversion

Long-Term Care Professionals & Providers

Office of the Deaf and Hard of Hearing

Stakeholders

Tribal Affairs

Long-Term Services and Supports Trust