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Testimony of the Office of MaineCare Services
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In support of LD 2177, *Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services*

Hearing Date: February 6, 2024

Senator Baldacci, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services: my name is Kristin Merrill, and I serve as the Acting Director of Policy within the Office of MaineCare Services (OMS) at the Department of Health and Human Services. I'm here today to outline for you and testify in support of LD 2177, *Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services*.

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual (MBM), Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

The January 11, 2024 provisional adoption of MBM Ch. III, Sec. 29 prompted the printing of this resolve in accordance with the Maine Administrative Procedure Act (APA), 5 MRSA chapter 375. MBM Ch. III, Section 29 is a major substantive rule and, as such, requires legislative review prior to final adoption.

This comprehensive rulemaking was intended to enact rate reform changes, streamline rate adjustments in the fee schedule, include annual Cost of Living Adjustments (COLA), and incorporate new service options, notably the permanent addition of member-driven, self-directed services. These Section 29 changes align with similar rule improvements across many sections of the MBM.

The Department has submitted the corresponding Section 1915(c) waiver amendment to the Centers for Medicare & Medicaid Services (CMS) and anticipates approval of the waiver amendment in the near future. When approved, the waiver amendment will grant federal

authority for the reimbursement of services addressed in the provisionally adopted MBM Ch. III, Section 29 rule. CMS approval of the 1915(c) waiver amendment permits the Department to collect federal match (FMAP) for covered services.

The state rule must be in alignment with the federal requirements of the waiver to provide the services as approved. Should this LD not move forward and final adoption of MBM Ch. III, Section 29 be denied, waiver members will not have access to federally funded Section 29 services as intended and the rule will not be aligned with Maine's Section 29, 1915(c) waiver.

Thank you for your time and attention. I am happy to answer any questions you have and make myself available for questions at the work session.