



TESTIMONY

LD 2214, “An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government General Fund and Other Funds to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024, and June 30, 2025”

Joint Standing Committee on Appropriations and Financial Affairs

Joint Standing Committee on Health and Human Services

February 26, 2024

Good morning, Senator Rotundo, Representative Sachs, members of the Joint Standing Committee on Appropriations and Financial Affairs, 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 for Moose Ridge Associates. I live in Hallowell. I am here today to present testimony on behalf of the Maine Long-Term Care Ombudsman Program.

The Ombudsman Program provides statewide advocacy for residents of nursing homes, assisted housing including residential care and assisted living and for recipients of home care and adult day services. Additionally, the program serves patients waiting for discharge from the hospital who encounter barriers in accessing the long-term services and supports they need.

Part UU (Page 70)

We are very encouraged by the Nursing Facility Rate Reform Framework proposed by the Department of Health and Human Services that focuses on rewarding quality through staffing levels that meet resident needs, person centered care, promoting access for MaineCare members, reducing the use of temporary agency staff to provide consistent care and quality, emphasizing competitive wages to recruit and retain staff and reducing administrative burdens.

If we can implement rate reform achieving these goals, we will do much to improve both the quality of care and quality of life for older and disabled residents in our nursing homes.

Nursing Facilities 0148 (Page A-73)

We support funding proposed in the budget that is critically needed to support nursing facilities. However, providers tell us this funding falls short of what is needed to prevent additional closures of nursing facilities. Between 2014 and 2023, 23 nursing facilities closed. Nine of these closures have occurred since 2020. Hundreds of older and disabled residents have been forced to move because of the closures, unfortunately some more than once. Imagine having to make the transition from your home into a nursing facility only to be told you must move again to another nursing facility with no certainty you will be able to remain there.

Numerous studies¹ indicate that older and disabled residents of nursing homes who are forced to move against their will are particularly vulnerable to transfer trauma and may be subject to premature death, depression, cognitive decline and other harm.

When facility closures occur, Ombudsman Program staff work with residents, their families and providers to support residents through the transition, advocating for their rights, providing support and information and assisting in finding the best possible placement. Through the closures, we have observed the following:

- Some residents have moved 70 miles or more away from loved ones, creating barriers to visitation.
 - A resident in a nursing home in Aroostook County that was closing was told he would have to move 276 miles to a facility in Biddeford. This would have created significant barriers for family members to visit. Although it was extremely difficult, the Ombudsman Program was able to work with the provider to find a bed close to home.
- Additionally, residents feel they have no choice regarding the nursing facility they will be moved to.

As more and more facilities close, the barriers to finding the best possible admission become greater. While Ombudsman Program staff work diligently with residents and their families to advocate for their rights regarding placement options, it is disheartening that the options are becoming fewer and fewer.

Additionally, access to nursing facility care is often delayed for older and disabled adults who are waiting in the community for care as well as for patients in hospitals awaiting admission. In fact, the third most frequent complaint regarding nursing facility care received by the Ombudsman Program is requests for assistance in finding placement.

Funding for nursing facilities should be carefully considered so that vulnerable residents can be cared for without the fear of closure or a forced move away from their communities.

**Medicaid Waiver for Brain Injury Residential/Community Services Z218 and
Medicaid Waiver for Other Related Conditions Z217 (Page A-64)**

The Ombudsman Program is pleased to support the increase in funding for non-emergency transportation for those accessing the Section 18 Brain Injury Waiver and the Section 20 Other Related Conditions Waiver. The Section 20 Other Related Conditions Waiver serves individuals with Cerebral Palsy, Epilepsy, and other related conditions. Reliable non-emergency transportation is necessary for many Mainers' living with an Acquired Brain Injury (ABI), or disabilities in order to access the support they need in the community. Non-emergency transportation can include rides to primary care physician appointments, specialist appointments, and rehabilitation. Those who can access their preventative or therapeutic appointments are less likely to use the ER and have more success remaining in the community. Funding broker increases will continue to support the quality of and access to non-emergent transportation.

The Ombudsman Program is also pleased to support the adjusted funding for the Brain Injury Waiver and Section 20 Other Related Conditions Waiver as a result of the decrease in Federal

Medicaid Assistance. The Brain Injury Waiver is a crucial lifeline for people living with an ABI in the state. Services can include (but are not limited to) personal care attendants, financial management services, assistive technology, and employment specialist services. As of September 2023, the waiver was supporting 194 individuals with an ABI. To uphold the services and support needed for these individuals and keep the wait list from growing, the waiver needs to maintain its funding.

The Other Related Conditions waiver allows participants to choose home and community-based services rather than services provided in an institutional setting. Services can include (but are not limited to) personal care attendants, financial management services, assistive technology, and employment specialist services. As of September 2023, the waiver was supporting 44 individuals, with 28 individuals on the wait list. To uphold the services and support needed for those on the waiver and keep the wait list from growing, the waiver needs to, at a minimum, maintain its funding.

Part NN (Page 67)

We oppose the cuts in eligibility for the Medicare Savings Program (MSP). This program would reduce Medicare costs for older Mainers with lower incomes. This assistance is particularly important as costs have dramatically increased in recent years making it increasingly difficult for older people on a fixed income to meet their basic needs. Last year, the legislature did something important by expanding eligibility for MSP to support the health and well being of older Mainers. We urge you to reject cuts in this program that can provide help that is greatly needed.

Thank you for your consideration.

www.maineombudsman.org

¹ Nursing Home Residents, Transfer Trauma, or Relocation Stress, University of California San Francisco, Elizabeth Halifax, March 20, 2023