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Testimony of the Office of Aging and Disability Services
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In opposition to LD 980, *Resolve, to Create the Commission to Improve the Oversight of the Long-term Care System*

Sponsor: Senator Tepler
Hearing Date: March 28, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Paul Saucier, and I serve as the Director of the Office of Aging and Disability Services (OADS) in the Maine Department of Health and Human Services. I am here today to testify in opposition to LD 980, *Resolve, to Create the Commission to Improve the Oversight of the Long-term Care System*.

The intent and focus of the proposed commission are not clear. Section 5.1 directs the Commission to study the adequacy of facility inspections, suggesting that stronger oversight might be needed, while Section 5.2 seeks simplification of rules, which suggests less oversight. Those two provisions along with Sections 5.3 and 5.5 all appear to be directed at facilities, while Section 5.4 is directed at the much broader recommendations of the 2019 Long-term Care Workforce Commission. These addressed workforce for the entire continuum of aging and disability services and are already subject to annual reports from DHHS and from the Essential Support Workforce Advisory Committee. Additionally, primary inspection oversight of nursing homes is governed by regulatory standards established by the federal Centers for Medicare and Medicaid Services (CMS). The Department's Division of Licensing and Certification carries out inspections on behalf of CMS as the designated CMS Survey and Certification State Agency, in accordance with section 1864 of the Social Security Act.

Maine has recently experienced firsthand the inter-related nature of long-term services and supports along the continuum from home care through nursing facility care. From 2019 through 2024, the number of individuals in nursing facilities decreased by about 1,600, reflecting the devastating impact of the pandemic. During that same period, enrollment in Section 19, Maine's home- and community-based services (HCBS) program for adults who are nursing facility eligible, grew by about 1,500. We know that most people prefer and can be successfully supported in HCBS, yet that sector is only tangentially included in the proposed Commission's charge.

The Department has taken several steps in the past few years to improve oversight and quality of Maine's entire continuum of long-term services and supports. In August 2024, the Department adopted licensing for personal care agencies. This important part of the continuum had

previously been subject only to a simple registration process. In January of this year, the Department provisionally adopted amendments to its Assisted Housing rules, which govern residential care facilities. That provisional rule has been submitted to the Legislature for review. In February of this year, the Department adopted an emergency rule to implement nursing facility rate reform. That rate system, now implemented, includes significant incentives for quality improvement in the form of a value-based payment initiative named QuEST (Quality, Excellence, Staffing, Teamwork).

The reforms recently implemented across the continuum should be given time to more fully impact the LTSS system before further reforms are considered. A Commission to look at quality throughout the LTSS continuum might be useful in a few years, when it will be possible to assess outcomes of the current efforts. Federal policy, which is currently undergoing scrutiny by the new administration, and which governs nursing facility inspections, may also be more clear in the future. Furthermore, any such Commission should include one or more representatives from DHHS, given the Department's role in this area.

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