



**Testimony of Kristin Overton, Chesterville, ME**

*LD 979: Resolve, Regarding Legislative Review of Chapter 113: Assisted Housing programs Licensing Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services*

**Joint Standing Committee on Health and Human Services**

**April 1, 2025**

Good afternoon, Senator Ingwerson, Representative Meyer and esteemed members of the Health and Human Services Committee. Thank you for the opportunity to share testimony **against** LD 979: *Resolve, Regarding Legislative Review of Chapter 113: Assisted Housing Programs Licensing Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services* and to **request that the committee direct the Department to amend the rules and remove Section 97-F Private Non-Medical Institutions (PNMIs) providers who support adults with intellectual and developmental disabilities from this Rule.**

My name is Kristin Overton and I am the Executive Director of SKILLS, Inc. SKILLS is a non-profit organization in central Maine, serving people with intellectual and developmental disabilities (I/DD) for more than 60 years. SKILLS provides more than 120 people with 24/7 residential, community building, in-home, and employment support under Sections 21, 29, and 97-F. We have 9 waiver-funded group homes and 4 Private Non-Medical Institutions (PNMI) located in Shawmut, St. Albans, Pittsfield, and Waterville. SKILLS has the most PNMI Appendix F homes in the State of Maine at this time.

Our PNMI-F locations support 30 people total. We fall under the "specialized facilities" which support people with a singular diagnosis; in our case all with Intellectual and Developmental Disabilities. Our service description and the cost settlement process is not the same as the other PNMI in Section 97 or other providers who fall under the proposed Chapter 113 Rules. The intent of the State and licensing is that all I/DD services, which will include these PNMI Section F services, will fall under a new licensing rule for HCBS Providers, currently in development, based on the enactment of 34-B M.R.S. § 1203-B. **It is not reasonable for a singular provider to have to conform to two different new licensing rules within a 12 month period. This would create an undue burden of cost for Section 97, Appendix F PNMI I/DD Providers**

We submitted public comment on the proposed Chapter 113 Rules. We believe this new Rule will have a significant increase on costs and the level of non-reimbursable administration required to be in compliance. I have included a copy of my public comment, detailing our concerns, with this testimony. The response to our comment was: "In light of the enactment of 34-B M.R.S. § 1203-B, certain providers will be licensed under a soon to be proposed HCBS licensing rule. Providers licensed under 34-B M.R.S. § 1203-B will include residential care facilities providing a setting for an adult with an intellectual disability, autism, spectrum disorder, a related condition or an acquired brain injury and funded in whole or in part by the Department." These new licensing rules for HCBS Providers are anticipated to be released this summer. Upon learning of this session today, I emailed licensing who stated that PNMI **Section 97-F would fall under the new HCBS licensing rules and that a transition plan for the license would be provided at that time, however we will fall under the new Chapter 113 until that occurs.**



We would have to invest time and hire additional administrative and clinical staff to come into compliance with Chapter 113; and then again invest time and money to come into compliance with the new HCBS Provider Licensing Rule once released, which could have different staffing requirements.

I urge you to remove PNMI, Section 97, Appendix F I/DD Providers from this Rule due to the unreasonableness of having to come into compliance with this rule at great cost, only to then again have to come into compliance with a new rule within the next 12-18 months. I'm happy to answer any questions the Committee may have.

Kristin Overton

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