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April 23, 2025

Testimony of Representative Holly B. Stover presenting

LD 1509, Resolve, to Maintain Access to Home and Community-based Services for Adults with Intellectual Disabilities, Autism Spectrum Disorder or Brain Injury

Before the Joint Standing Committee on Health and Human Services

Good afternoon, Senator Ingwersen, Representative Meyer, and honorable members of the Joint Standing Committee on Health and Human Services. My name is Representative Holly Stover, and I have the privilege of serving House District 48, which includes the communities of Boothbay, Boothbay Harbor, Edgecomb, South Bristol, Southport and Westport Island. I'm here today to present **LD 1509, Resolve, to Maintain Access to Home and Community-based Services for Adults with Intellectual Disabilities, Autism Spectrum Disorder, or Brain Injury**.

The goal of this bill is to ensure that adequate rates are both determined and implemented for MaineCare-funded Home and Community-Based Services (HCBS) under Sections 18, 20, 21 and 29. These services are critical for adults with intellectual and developmental disabilities, individuals with brain injuries and others with related conditions.

As a former member of this committee, I was proud to support MaineCare Rate Reform and the creation of a standardized rate-setting system, which established a five-year cycle for rate reviews and cost-of-living adjustments in the off years.

Like many of you, I continue to be deeply concerned about whether current rates are sufficient to sustain these essential services. Thousands of adults with disabilities depend on these supports, and the organizations providing them are facing serious financial strain. Many report turning away new referrals or shuttering programs due to inadequate rates and workforce shortages.

One ongoing challenge with the current rate-setting process is the lack of transparency around timelines. There are no clear expectations for how long it will take to complete a rate

determination or for new rates to be implemented. Providers in my district and across the state have waited patiently for the rate review process to take its course—only to see draft rates delayed and, more concerning, no funding allocated in the biennial budget for either revised current rates or future Lifespan Waiver services.

I don't need to tell this committee about the real-world impact of these delays—organizations are doing their best to serve, but the strain is significant.

Last week, the Department did release draft rates and rate models for Sections 18, 20, 21 and 29, as well as the Lifespan Waiver. These drafts represent a major redesign of the adult service system. However, providers have been given just two weeks to review and submit comments on these complex proposals.

Given that the original implementation date of July 1, 2025, is no longer realistic, I am offering a friendly amendment to this bill for your consideration. The amendment proposes moving the implementation date for the final adopted rates to July 1, 2026. This adjustment will provide the Department, providers and all stakeholders with additional time to engage meaningfully in the comment process on the rates and forthcoming rules and to prepare for a successful transition.

I respectfully ask for your support of both LD 1509 and the proposed amendment.

Thank you for your time and consideration. I would be happy to answer any questions you may have.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, 5,000 adults with intellectual disabilities, autism spectrum disorder or brain injury rely on MaineCare services to ensure access to individualized employment, community engagement, daily living and vital residential and intensive care and support services each day in Maine; and

Whereas, the community-based providers that deliver these services rely on MaineCare service reimbursement rates to deliver these services; and

9 **Whereas**, pursuant to current law, in September of 2023, the Department of Health
10 and Human Services initiated a rate determination process for rule Chapter 101: MaineCare
11 Benefits Manual, Chapters II and III, Sections 18, 20, 21 and 29 and a lifespan home and
12 community-based services program and providers of these services participated in a survey
13 providing cost data from fiscal year 2023 for the rate study and determination process; and

14 **Whereas**, the subsequent rates proposed from this determination process have not
15 been released for public comment or adopted as anticipated as of January 1, 2025; and

16 **Whereas**, the implementation date for the rate determination for these MaineCare
17 services has been tied to the launch of new services for adults with disabilities under a new
18 state waiver, referred to as "the Lifespan Waiver," the launch date of which has been pushed
19 back an additional year to July 2026; and

20 **Whereas, in the judgment of the Legislature, these facts create an emergency within**
21 **the meaning of the Constitution of Maine and require the following legislation as**
22 **immediately necessary for the preservation of the public peace, health and safety; now,**
23 **therefore, be it**

Sec. 1. Rate studies and rate determinations required for services for adults with intellectual disabilities, autism spectrum disorder or brain injury.

26Resolved: That, no later than July 1, ~~2025~~ 2026, the Department of Health and Human Services
27 shall ~~propose and~~, implement the rates as determined by the rate study started by the
28 department in 2023 and carried out pursuant to the provisions of the Maine Revised
29 Statutes, Title 22, section 3173-J for services provided by home and community-based
30 services providers under rule Chapter 101: MaineCare Benefits Manual, Chapters II and
31 III, Sections 18, 20, 21 and 29.

32 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
33 takes effect when approved.

SUMMARY

35 This resolve directs the Department of Health and Human Services to propose and
36 implement the rates as determined by the department's rate study begun in 2023 and carried
37 out pursuant to the provisions of the Maine Revised Statutes, Title 22, section 3173-J for
38 services provided by home and community-based services providers under rule Chapter
39 101: MaineCare Benefits Manual, Chapters II and III, Sections 18, 20, 21 and 29 to adults
40 with intellectual disabilities, autism spectrum disorder or brain injury.