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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 2117, *Resolve, Directing the Department of Health and Human Services to Amend Its Rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder*

Sponsor: Representative Sachs  
Hearing Date: January 28, 2026

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services. My name is Derek Fales, and I serve as the Associate Director of Developmental Disability and Brain Injury Services of the Office of Aging and Disability Services (OADS) in the Maine Department of Health and Human Services and I am here today to testify in opposition to LD 2117, *Resolve, Directing the Department of Health and Human Services to Amend Its Rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder*.

LD 2117 is a resolve that directs the Department of Health and Human Services (DHHS) to amend the MaineCare Benefits Manual, Chapter II, Section 21 (Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder). The bill would require the Department to extend several timeframes that apply when a vacancy occurs in a provider-owned or controlled, two-person Agency Home Support (Agency Per Diem) home serving members. Specifically, the resolve would require (1) extending the "bed-hold" payment period during a hospitalization from 30 to 60 days; (2) extending the timeframe for a provider to locate a new housemate from 90 to 120 days; and (3) creating an additional extension process that could add two additional 60-day extensions, and potentially further extension for individuals who have lived at the address for give or more years, if health and safety needs are met and active placement efforts are documented. The Department's fiscal analysis indicates the resolve would increase waiver costs by prolonging periods of underutilized capacity in addition to administrative costs in the operation of the program, without addressing the underlying drivers of housing availability and matching.

The Department opposes LD 2117. Current rule, MBM Ch. II, §21.10-6 ("Residential Vacancies in Two-Person Homes"), already establishes a structured, safety-based vacancy process. It prioritizes member health and safety, requires timely notice to the Department, and sets clear expectations for staffing adjustments, active efforts to identify a new housemate, bed-hold

periods, and discharge and transition planning. Under existing policy, a provider must notify the Department's resource coordinator and relevant case manager(s) by the next business day following a vacancy and submit a revised proposed staffing pattern within three business days to ensure the remaining member's safety. The Department routinely extends service authorizations as needed to support safe staffing for the remaining housemate and suspends waiver payment for a hospitalized member consistent with federal 1915(c) requirements. A 30-day hospitalization bed-hold period provides time for a member to return before the vacancy process proceeds. Importantly, the service at issue is Agency Home Support (Agency Per Diem), not Shared Living. Vacancies may occur when one member leaves a two-person home, leaving the remaining member as the sole resident. MaineCare policy for provider-controlled, two-person Agency Home Support homes requires a minimum of two members in the home unless an ADA-based modification or individualized exception is approved. In circumstances where the remaining member is the sole resident without an approved ADA modification, the Department expects the provider to continue documented, good-faith efforts to identify and admit another eligible member to fill the vacancy, while ensuring the remaining member's health and safety and meeting all notice, staffing, and planning requirements in §21.10-6.

While the Department supports the goal of stability and reducing disruptive moves, the resolve is not necessary to establish or strengthen the vacancy process. Existing rule §21.10-6 already provides a comprehensive framework, and the Department can and does use service authorization and case management tools to support safe, individualized transitions. Extending vacancy timelines would increase waiver costs and reduce program efficiency by lengthening the period during which a two-person home operates underutilized, increasing per-member costs and delaying use of existing capacity. Moreover, extending timelines does not address the underlying system challenge: effective housemate matching and timely placement into existing vacancies. Department analysis indicates that approximately 98 waiver members are currently sole residents, with an additional 66 waiver members in placements that are under review, in Agency Per Diem homes without an ADA-based exception to the two-member minimum, down from pandemic-era highs of more than 300; those situations are important, but a statewide extension of timelines would increase costs without resolving the structural drivers of continued homes coming online exacerbating an environment of persistent vacancies.

For these reasons, the Department respectfully urges the Committee to oppose LD 2117. If the Legislature's intent is to improve housing stability, the Department recommends focusing on system-level strategies that directly address persistent vacancies, including strengthening placement coordination to prioritize filling existing vacancies, better aligning provider incentives with full occupancy, and using targeted ADA modifications or individualized exceptions when a member's disability-related needs support single occupancy.

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.