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TESTIMONY

In Support of

LD 17: Resolve, To Provide Rural Nonmedical Transportation Services to the Elderly and Adults with Disabilities Receiving Home and Community Benefits under the MaineCare Program

**Brenda Gallant
Maine Long-Term Care Ombudsman Program**

Before the Joint Standing Committee on Health and Human Services

February 10, 2021

Senator Claxton, Representative Meyer and members of the Joint Standing Committee on Health and Human Services.

My name is Brenda Gallant. I am the Long-Term Care Ombudsman. The Ombudsman Program is a state-wide non-profit organization that provides advocacy for elders and adults with disabilities who receive long-term services and supports throughout the state. We serve residents in nursing homes, residential care, assisted living facilities, adult day programs and recipients of home care services. Additionally, we serve patients in hospitals who experience barriers in accessing long-term care services when they are ready for discharge.

I am here today to provide testimony in support of this important legislation that requires the Department of Health and Human Services to establish a pilot project lasting eighteen months that would allow individuals receiving services under the MaineCare Benefits Manual, Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities (HCBS) to receive up to \$2,000 each in nonmedical transportation services that are specified in the individual's service plan when the individual has no other means of transportation, in addition to current medical transportation. LD 17 would require the Department of Health and Human Services to submit a report regarding the costs and effectiveness of the pilot project to the Health and Human Services Committee.

HCBS provide in-home personal care and other services, designed as a package, to assist eligible members to remain in their homes and thereby avoid or delay institutional nursing home care.

Medicare and Medicaid/MaineCare pay for very limited transportation for consumers. The only transportation

service that Medicare (Medicare Part B) pays for is ambulance services in severe medical situations such as life-threatening emergencies or when dealing with bedridden patients. Section 113 of the MaineCare Benefits Manual, Non-Emergency Medical Transportation (NEMT) services, can provide rides for MaineCare members to and from covered Medicaid services, such as doctor appointments and dialysis, when members do not have an alternate way to get to the appointment on their own. Non-medical transportation is not covered by either Medicare or Medicaid/MaineCare, even for those individuals who have transportation needs identified in their plan of care.

When Mainers are unable to drive, they will tell you it feels like a major loss of freedom, of independence, and control over their own lives. They are wholly reliant on others for the autonomy many of us take for granted every day. Regular appointments or social functions are difficult for working family members to take on. A regularly scheduled transport is a financial burden on the consumer. Consumers at home, receiving HCBS, can feel this most acutely, as not only are their transportation options severely limited, but their financial resources that would provide them additional options are limited as well. HCBS consumers miss having visits to family and friends, trips to grocery or retail stores, doing any sort of personal errands, attending outside social activities, using beauty or barber shops, or participating in volunteer activities and church services.

Non-medical transportation was covered previously under HCBS, if it was included in a plan of care, but was removed in 2010 as part of a major restructuring of MaineCare's transportation system. Some consumers have relied instead on public transportation, but most transit systems are limited to the few urban areas around the state. And even those systems do not always work for individuals with severe physical limitations. In order for Maine to comply with the 1999 ruling in *Olmstead v. L.C.*, in which the U.S. Supreme Court held that people with disabilities have a right to receive the support they need to live in their communities, rather than remain in institutions, it is important to allow access to nonmedical transportation.

Thank you for your consideration.