

Thank you all for the opportunity to speak before the HHS Committee today.

Good morning Madam Chair and distinguished members of this honorable committee.

My name is Ferdinand A. Slater. I am known and recognized as Andy Slater. I live in Hancock, Maine. I am speaking in support of LD 739. A little about me; I spent 33 years defending this nation and those in need of defending or protection as a member of the military in times of peace and war. I have spent over 20 years defending parents and children in DHHS matters.

If the Department decides to pursue an action pursuant to the current statute, 22 M.R.S.A. §1714-E, and a credible allegation of fraud is established (“credible” is an even lower standard than probable cause and most often the evidence used by the department is hearsay) the department may continue, modify, or end the suspension; at its sole discretion.

The department interprets 1714-E to mean it must only establish (1.) a credible allegation of fraud exists and (2.) there is not “good cause” to modify or terminate the suspension. Therefore, 1714-E (4) , in the opinion of the department, is superfluous. No “finding” of fraud is ever made (or allowed to be rebutted by the provider).

According to the plain language meaning of 22 M.R.S.A. §1714-E (4) with no administrative or judicial finding that fraud has occurred and that money is owed by the provider the department, the department cannot retain and apply as an offset to amounts determined (no amount is ever determined or allowed to be rebutted) to be owed to the department. This, again, renders this paragraph of the statute superfluous.

A suspension that remains in place after hearing when no amount owed by the provider is ever established (to be applied as an offset) is an improper extension of the suspension. The effect of extending a suspension indefinitely has serious and devastating consequences to the Maine citizens most in need of legislative protection; those with severe mental and physical limitations. The department uses section 1714-E as a weapon and not as a safeguard.

With funding completely suspended for an indefinite period, the provider is without any funds to properly provide for the consumer(s). The department’s solution is as unconstitutional as it is simple. If the consumer(s) give up the most fundamental of their constitutionally guaranteed rights they will again have funding for the services and benefits they are eligible for and entitle to receive.

I thank this honorable committee for the privilege of addressing this issue and voicing my support of LD 739 today.

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Hancock, Maine

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