

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Commissioner's Office  
11 State House Station  
109 Capitol Street  
Augusta, Maine 04333-0011  
Tel: (207) 287-3707; Fax: (207) 287-3005  
TTY: Dial 711 (Maine Relay)

April 5, 2021

Senator Ned Claxton, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 958 – Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Assistance Services

Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter provides information regarding LD 958, *Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Assistance Services*. The Department is opposed to this bill.

This resolve requires the Department of Health and Human Services to review rules that relate to direct care services provided in the home to assist individuals with the activities of daily living and the instrumental activities of daily living. The review must examine how entities providing direct care services to affected individuals supply information, such as advance notice of staff absences, termination of services and training requirements, and ensure supervision, quality care and protection of vulnerable people receiving care. The Department is required to submit its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 1, 2023.

The Department is concerned that this bill requires a significant level of effort without a clearly stated objective. The Department recognizes the importance of ensuring that quality services are delivered in a timely manner to support service recipients, but also recognizes that each distinct program contains differences in regulatory oversight and accountability based on the population served. The scope of the bill is extensive, covering eight sections of the MaineCare Benefits Manual plus four other rules from other parts of the Department. Grouping together different sections of policy in this manner would not be efficient or effective, since the impacted policies do not have the same requirements and procedures, and in some instances, are designed for different service populations.

We would also note that federally mandated electronic visit verification (EVV) went into effect on January 1, 2021. Over time, EVV will provide insight into some of the concerns raised in the bill, such as timeliness of scheduled visits.

It should be noted that there is no enforcement authority in statute for the Department's Division of Licensing and Certification to regulate personal care service agencies. If future regulation were

to be sought as a result of this bill's rule review or as a result of issues uncovered as part of EVV analysis, then additional resources would be necessary to support future rulemaking, compliance, and oversight.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Paul Saucier".

Paul Saucier, Director  
Office of Aging and Disability Services