

TESTIMONY OF MICHAEL KEBEDE, Esq.

LD 415 – Ought to Pass

**Resolve, Directing the Department of Health and Human Services
To Increase MaineCare Reimbursement Rates for
Targeted Case Management Services To Reflect Inflation**

Joint Standing Committee on Health and Human Services

April 15, 2021

Senator Claxton, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, good morning. My name is Michael Kebede, and I am policy counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to support LD 415, which would help Maine reduce its reliance on the criminal legal system to solve healthcare challenges.

The most recent eruption of protests across the U.S. and in our own state have laid bare a central flaw in our government: we have relied on the policing institutions in our country to solve challenges better suited to our healthcare, housing, and educational systems. White Mainers have suffered as a result, but nonwhite Mainers, poor Mainers, and Mainers with disabilities have suffered most acutely. We cannot allow this to continue; we must divest from our failed criminal legal systems and invest in systems designed to meet people's needs.

Targeted case management is part of this puzzle of reinvestment. A staggering proportion of the people arrested and incarcerated in Maine suffer from mental and behavioral health disorders. The Maine Juvenile Justice System Assessment, published in February of 2020, identified the absence of community-based, therapeutic services as a core reason for why we incarcerate youth in Maine. The report reveals that “[i]n 53% of cases, the reason for detention was to ‘provide care’ for

youth.”¹ Perhaps more revealing is that “72.7% of detention stays lasting longer than 30 days were for youth awaiting placement.”² Moreover, the report showed that public safety is often not the primary reason for detention: “[i]n 47% of cases, youth were held in detention for 3 days or less, suggesting they were not significant public safety risks”³ and “low risk youth staying substantially longer than high risk youth.”⁴ In short, we are sending kids to prison because we lack exactly the kinds of programs that this resolve would fund.

In part, we lack these services because our reimbursement rates for targeted case management and other mental health supports are not updated often enough to reflect the value of the work in today’s dollars. Sometimes it is over a decade before rates are increased. The inflation rate between 2011 and today is 18.9 percent. That means that people are being paid less for the same demanding work. Given these dynamics, it is no surprise that we do not have enough people to staff the programs and services that our friends and neighbors so desperately need.

The resolve before you would help turn Maine into a state that heals and treats illnesses rather than one that criminalizes them. This is a necessary component of reducing the harmful impact of our criminal legal system. We urge you to vote *ought to pass*.

¹ Maine Juvenile Justice System Assessment Final Report at 8, Center for Children’s Law and Policy et al. (2020) (hereinafter CCLP Report), available at <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>

² CCLP Report at 37.

³ CCLP Report at 8.

⁴ CCLP Report at 8.