

April 20, 2021

Testimony **FOR** LD 283, LD 878, LD 1157, LD 1204 LD 1267, LD 1469

Chairman Claxton, Chairwoman Meyer, Distinguished Members of the Joint Standing Committee on Health and Human Services:

My name is Alan Cobo-Lewis. I live in Orono. I have two 20-year-old sons, one of whom has a significant disability. That son is currently receiving children's services and is undergoing transition to adult services.

My son with a disability has such significant needs that he has received a Home and Community Based Services (HCBS) waiver offer based on his prioritization. However, the community services agency that would otherwise be ready to meet his needs on his transition from children's services to adult services has thus far been unable to staff the programming that we are working so hard to set up. They have actually received zero applications for the job. This is the workforce crisis up close.

The agency staffing his children's services (Section 28) has also struggled with recruitment. His programming has not been fully staffed since before the pandemic, and this has resulted in several incidents.

I work in the disability field as director of Maine's University Center for Excellence in Developmental Disabilities (UCEDD—though I am testifying today in my personal capacity). But my family is struggling. We are facing the cliff, and we need swift action by you to address the workforce crisis. Tomorrow you will hold public hearing on several wait list bills, and I will urge you to pass them. But it is *also* necessary to address workforce through today's bills, because even after people get off the wait lists to become eligible for services, they still need to have those services staffed.

I appreciate the efforts of DHHS to propose tiered rates to incentivize community-based services and supports in an individual's own home or family home. I support tiered rates. Those are important changes to put Maine on a path toward compliance with the federal HCBS Settings Rule. But, in addition to implementing those rate differentials, pay for Direct Service Professionals (DSPs), Behavioral Health Professionals (BHPs), and other members of the direct care workforce must increase across the board. It falls to the Legislature to appropriate the money to do that.

As you consider LD 283, LD 878, LD 1157, LD 1267, and LD 1469, please adopt language requiring increased rates to go toward increased wages.

Please also support LD 1204, which would allow parents unable to work because of their children's unmet needs to at least be compensated for providing the support that is the state's responsibility but which the state seems unable to provide.

Please also note that [Section 9817 of the federal American Rescue Plan Act of 2021](#) (ARP, Public Law 117-2) includes a 10% increase to the Federal Medicaid Assistance Percentage (FMAP) specifically targeted at HCBS provided during the 12-month period that began April 1, 2021. The federal Centers for Medicare and Medicaid Services (CMS) has not yet issued guidance about this. However, based on aggregate State Fiscal Year general fund amounts in accounts Z211, Z212, Z217, and Z218, I'd estimate the Section 21/29/18/20 share of this HCBS FMAP bump in the neighborhood of \$50 million. In addition, the ARP defines HCBS more broadly than that—not just including those waivers (and the Section 17 for

elders and adults with disabilities), but also including some case management services and some rehabilitative services, and “Such other services specified by the Secretary of Health and Human Services” [see [ARP Sec 9817\(a\)\(2\)\(B\)\(vii\)](#)]. According to [guidance from the Public Consulting Group](#) it would also include Early Periodic Screening and Diagnostic Testing (EPSDT) services for children.

The ARP offers a limited-time opportunity to address critical issues. The increased FMAP is available provided that the state “implement[s], or supplement[s] the implementation of, one or more activities to enhance, expand, or strengthen home and community-based services” [see [ARP Sec 9817\(b\)\(2\)](#)].

I urge the committee to direct the Department to:

- maximize the resources available through ARP;
- use those resources to address critical issues including the workforce issues that the bills under consideration today would address;
- solicit input from stakeholders on additional ways to maximize those resources and put them to use; and
- report to the Legislature, stakeholders, and members of the public on all of the above.