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**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 1, 2020

William Montejo, Director of the Division of Licensing and Certification
Department of Health and Human Services
11 State House Station
Augusta, ME 04333-0011

Dear Mr. Montejo,

The Health and Human Services Committee held several work sessions in February and March to discuss the recommendations of the Commission to Study Long-term Care Workforce Issues. The Commission's report includes a number of recommendations relating to licensing and certification and the purpose of this letter is to respectfully request our Committee's hope that the department will act on them. We also wish to express our gratitude for your attendance at the work session held on March 12, 2020, along with Director Saucier from the Office of Aging and Disability Services.

PSS curriculum and the Maine Direct Service Worker Training Program

Two of the Commission recommendations are linked to the training of direct care workers. First, we respectfully request that the department does not enforce the new Personal Support Specialist (PSS) curriculum requirement that was due to go into effect on April 1, 2020. New PSS training requirements at this time present additional (non-reimbursed) costs to providers who train their own staff. As you know, the Commission requested, by letter, on December 17, 2019 that the Department of Health and Human Services delay the implementation of the new PSS curriculum that had been required by January 1, 2020, to allow for the Committee's review of Commission's recommendations around training. Commissioner Lambrew responded, in a letter, that the department would delay the end date for utilization of the new curriculum until April 1, 2020. The Committee was assured at the work session held on March 12 that OADS and DLC have agreed not to enforce this new PSS curriculum requirement at this time. We are following up on that assurance in this letter and wish to express our gratitude on behalf of both the Committee and the Commission members present during the Committee's deliberations.

Second, and related, we request that the department reconstitutes, updates and implements the Maine Direct Service Worker Training Program. Commission members who piloted this program several years ago after it was developed by the Muskie School of Public Service spoke highly of the competency-based, blended and coordinated training program for direct care workers. Members also praised its flexibility for direct care workers with its common entry-level training followed by specialized, non-overlapping modules with job-specific content and additional optional trainings. The Committee understands that this is a longer-term project as the Program needs updating but we support the Commission's recommendation that the department

undertake this work. We believe that this is a more fruitful avenue for direct care worker training than the updated PSS training requirements. Our understanding is that OADS and DLC support this and have begun to take preliminary steps in this direction. We thank you for that.

Qualifications of direct care workers; language training

The Commission also made recommendations around entry level qualifications and non-English training options that we support. Entry level qualifications for direct care workers differ depending on the job title. There are differences based on age, training requirements, high school graduation and English proficiency. Some of these differences appear arbitrary and are likely to be even more so within the context of a uniform entry level training program. We request that your office examines the entry level qualifications of direct care workers to align those qualifications across settings wherever possible and increase flexibility without compromising the safety of consumers.

We also want to encourage the department to explore alternative cultural and language options in direct care work to include new Mainers. First, consider offering training programs in languages other than English. Second, address both sides of the direct care equation by ensuring the availability of culturally appropriate training options for workers and culturally appropriate direct care services for consumers of long term supports and services.

Civil Money Penalty Reinvestment Program

The Committee supports the Commission's recommendation that DLC convenes a work group to develop proposals for projects in nursing homes focused on improving the recruiting and retention of direct care staff using Civil Money Penalty (CMP) Reinvestment Program funds. As you know, CMPs are imposed against nursing facilities for noncompliance with federal regulations and these funds can be used by states to support activities that protect and improve the quality of care for residents of nursing facilities, including by improving staff training. The Committee has received several presentations about the Music and Memory Program (funded with CMP funds) and been impressed. In addition, the Committee heard from Commission members about the WisCaregiver Careers program which is also funded by CMP funds. We respectfully request that DLC works with stakeholders to develop proposals to be submitted to the Centers for Medicare and Medicaid Services to make full use of available funding.

Thank you for your attention to these important recommendations. Please let us know if you have any questions and keep us apprised of your actions.

Sincerely,



Sen. Geoffrey M. Gratwick
Senate Chair



Rep. Patricia Hymanson
House Chair

cc: Members, Joint Standing Committee on Health and Human Services
Commissioner Jeanne M. Lambrew, Department of Health and Human Services
Molly Bogart, Government Relations Director, Department of Health and Human Services
Paul Saucier, Director of the Office of Aging and Disability Services