



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 878

S.P. 292

In Senate, March 8, 2021

**Resolve, To Increase MaineCare Reimbursement Rates for Services
Provided by Direct Care Workers**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.
Cosponsored by Representative FAY of Raymond and
Senator: CLAXTON of Androscoggin, Representative: WHITE of Waterville.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the 90-day period will not terminate until after the beginning of the next
4 fiscal year; and

5 **Whereas,** this legislation affects obligations and expenses during the course of the
6 current fiscal year and requires immediate attention; and

7 **Whereas,** current state reimbursement rates for services providing long-term supports
8 and services do not account for the current minimum wage requirements; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Reimbursement. Resolved:** That the Department of Health and Human
14 Services shall amend its rules to increase MaineCare reimbursement rates for home and
15 community-based services by no less than \$2 an hour for the following services:

16 1. Attendant care services provided under the provisions of Chapter 101: MaineCare
17 Benefits Manual, Chapter III, Section 12, Allowances for Consumer-directed Attendant
18 Services;

19 2. Adult day care and home support services provided under the provisions of Chapter
20 101: MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and
21 Community-based Services for Adults with Brain Injury;

22 3. Attendant care services, personal care services, respite care services, home health
23 aide services and certified nurse's aide services provided under the provisions of Chapter
24 101: MaineCare Benefits Manual, Chapter III, Section 19, Home and Community Benefits
25 for the Elderly and Adults with Disabilities;

26 4. Personal care services, home support services and community support provided
27 under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 20,
28 Allowances for Home and Community-based Services for Adults with Other Related
29 Conditions;

30 5. Home support services, shared living and community support services provided
31 under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21,
32 Allowances for Adults with Intellectual Disabilities or Autism Spectrum Disorder;

33 6. Day care services provided under the provisions of Chapter 101: MaineCare
34 Benefits Manual, Chapter III, Section 26, Day Health Services;

35 7. Home support services, community support and respite services provided under the
36 provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29,
37 Allowances for Support Services for Adults with Intellectual Disabilities or Autism
38 Spectrum Disorder; and

39 8. Personal support services, certified nursing assistant services, home health aide
40 services and chore services provided under the provisions of Chapter 101: MaineCare
41 Benefits Manual, Chapter III, Section 96, Private Duty Nursing and Personal Care Services.

Sec. 2. Reimbursement. Resolved: That the Department of Health and Human Services shall amend its rules to increase reimbursement rates for state-funded home and community-based services by no less than \$2 an hour for the following services:

1. Personal assistance provided under the provisions of 14-197 C.M.R. Chapter 11, Consumer-directed Personal Assistance Services;

2. Day care services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services;

3. Attendant care services, personal care services, respite care services, home health aide services and certified nursing assistant services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 63, In-home and Community Support Services for Elderly and Other Adults;

4. Respite care services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 68, Respite Care Services for People with Alzheimer's or Related Disorders; and

5. Homemaker services provided under the provisions of 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual, Section 69, Office of Elder Services Independent Support Services Program.

Sec. 3. Reimbursement. Resolved: That the Department of Health and Human Services shall amend its rules to update per diem calculations to include an increase of no less than \$2 an hour for all direct care services for the following residential services provided under Chapter 101: MaineCare Benefits Manual, Chapter III:

1. Section 2, Adult Family Care Services;

2. Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Developmentally Disabled;

3. Section 67, Principles of Reimbursement for Nursing Facilities; and

4. Section 97, Private Non-Medical Institution Services, Appendix C.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve increases reimbursement rates to direct care workers. The resolve requires the Department of Health and Human Services to increase reimbursement rates to all direct care worker services that are provided in home and community-based settings and in institutional settings by no less than \$2 an hour.