

## CHAPTER 1627

### ESSENTIAL SUPPORT WORKER REIMBURSEMENT

#### §7401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**1. Activities of daily living.** "Activities of daily living" means tasks routinely performed by a person to maintain bodily functions, including bed mobility, transfers, locomotion, dressing, eating, toileting, bathing and personal hygiene.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**2. Direct access.** "Direct access" means, with respect to an individual who is receiving services from an essential support worker in an institutional setting or in a home or community setting, access to the individual's property, personally identifiable information, financial information or resources or physical access to the individual.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**3. Essential support worker.** "Essential support worker" means an individual who by virtue of employment generally provides to individuals direct contact assistance with activities of daily living or instrumental activities of daily living or has direct access to provide care and services to clients, patients or residents regardless of the setting.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**4. Home or community setting.** "Home or community setting" means a place of residence or group home where adults with long-term care needs receive in-home and community support services.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**5. In-home and community support services.** "In-home and community support services" means health and social services, including behavioral health, and other assistance required to enable persons with long-term care needs to remain in their places of residence or group homes. These services include, but are not limited to, self-directed care services; home health aide services; personal care assistance services; companion and attendant services; homemaker services; respite care; daily living support services; behavioral health professional services; and other appropriate and necessary social services.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**6. Institutional setting.** "Institutional setting" means residential care facilities, licensed pursuant to chapter 1664; intermediate care and skilled nursing facilities and units and hospitals, licensed pursuant to chapter 405; and state institutions for individuals who have intellectual disabilities or autism or other related conditions.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**7. Instrumental activities of daily living.** "Instrumental activities of daily living" includes, but is not limited to, preparing or receiving of a main meal, taking medication, using the telephone, handling finances, banking, shopping, routine housework, laundry and getting to appointments.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**8. Self-directed care services.** "Self-directed care services" means services procured and directed by the person receiving services or the person's surrogate that allow the person to reenter or remain in the community and to maximize independent living opportunities. "Self-directed care services" includes the hiring, firing, training and supervision of essential support workers to assist with activities of daily living and instrumental activities of daily living.

[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

## SECTION HISTORY

PL 2021, c. 398, Pt. AAAA, §1 (NEW).

**§7402. Essential support worker reimbursement**

Services provided by essential support workers that are reimbursed by the department under the MaineCare program or another state-funded program must include in the reimbursement rate the following: [PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**1. At least 125% of the minimum wage.** An amount equal to at least 125% of the minimum wage established in Title 26, section 664, subsection 1 for the labor portion of the reimbursement rate. An increase to the minimum wage must be applied to the reimbursement rate at the time the increase takes place; and  
[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**2. Taxes and benefits.** An amount necessary to reimburse the provider for taxes and benefits paid or costs incurred by the provider that are directly related to the reimbursed wage increase in subsection 1. This amount must be adjusted whenever an increase to the minimum wage is applied to the reimbursement rate under subsection 1.  
[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

**3. Effective date.** This section takes effect January 1, 2022.  
[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

## SECTION HISTORY

PL 2021, c. 398, Pt. AAAA, §1 (NEW).

**§7403. Rebasing**

Except as otherwise provided, the department shall rebase reimbursement rates for the MaineCare program and other state-funded program reimbursement rates described in section 7402 at least every 5 years. Rebasing must be based on the most recent cost report filings available or provider cost surveys or other market data when cost reports are not available. The department may provide a mechanism for subsequent adjustments to base year costs to reflect any differences it determines are material between as-filed cost reports used in rebasing and subsequent determinations of audited, allowable costs for the same fiscal period. [PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

## SECTION HISTORY

PL 2021, c. 398, Pt. AAAA, §1 (NEW).

**§7404. Rulemaking**

The department shall adopt rules to implement the requirements of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[PL 2021, c. 398, Pt. AAAA, §1 (NEW).]

## SECTION HISTORY

PL 2021, c. 398, Pt. AAAA, §1 (NEW).

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