

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services**

**Sec. 1 Commissioner of Health and Human Services; rulemaking. Resolved:** That the Commissioner of Health and Human Services shall adopt rules governing MaineCare physical disabilities waiver and the consumer-directed attendant services programs to increase the rate of reimbursement for providers of consumer-directed personal care assistance services from \$7.71 per hour to \$10 per hour; and be it further

**Sec. 2 Commissioner of Labor; rulemaking. Resolved:** That the Commissioner of Labor shall adopt rules governing the program of state-funded consumer-directed personal care assistance services under the Maine Revised Statutes, Title 26, section 1412-H to increase the rate of reimbursement for providers of consumer-directed personal care assistance services from \$7.71 per hour to \$10 per hour; and be it further

**Sec. 3 Competitive bidding process. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services; and be it further

**Sec. 4 Implementation of recommendations. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall develop a plan and timeline for the implementation of the following recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, as outlined in the working group's January 1, 2005 report:

1. Expanding the availability of consumer-directed alternatives across the range of long-term care services;
2. Enhancing the intake process to provide consumers with information about the range of services available, including consumer-directed services; and
3. Providing consumers the opportunity to participate in consumer-directed services with the use of an unpaid agent, commonly referred to as a "surrogate," to assist with the management tasks associated with these services; and be it further

**Sec. 5 Submission of plan; timeline. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall submit the plan and timeline developed pursuant to section 4 to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor matters no later than 6 months after the effective date of this resolve. Following receipt and review of the plan and timeline, the committees may report out to the First Regular Session of the 123rd Legislature legislation necessary to implement the plan and the timeline; and be it further

**Sec. 6 Major substantive rules. Resolved:** That rules adopted pursuant to this resolve by the Department of Health and Human Services and the Department of Labor related to the expansion of availability of or participation in consumer-directed long-term care services are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

## **SUMMARY**

This resolve accomplishes the following.

1. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services.

2. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.

3. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.