



128th MAINE LEGISLATURE

LD 1708

LR 2622(01)

An Act To Allow Qualifying Medicaid Recipients To Hire Relatives and Legal Guardians for Consumer-directed Attendant Services

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Corey of Windham

Committee: Health and Human Services

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Contingent current biennium cost increase - General Fund
Contingent current biennium cost increase - Federal Expenditures Fund

Fiscal Detail and Notes

This bill allows a MaineCare member approved for consumer-directed attendant services under the MaineCare program to hire any family member, including a spouse, or a legal guardian to provide those services in the home or community. Consumer-Directed Attendant Services, also known as personal care attendant (PCA) services, or attendant services under Section 12 are a State Plan Service. State Plan Services cannot be provided by a member of the recipient's family per 42 CFR § 440.167 Personal Care Services and § 441.450 Basis, Scope, and Definitions, as both include language prohibiting Medicaid reimbursement to legally liable relatives including: a spouse, other legally responsible relative, or the legal guardian of the member. Thus, this bill requires the Department of Health and Human Services to submit a waiver request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2019 allowing payment to relatives and legal guardians. The department is required to adopt rules within 180 days of receiving approval for the waiver.

Some members receiving services from an unrelated paid person may shift to a related paid person, which would not increase costs to the department. However, any members already receiving services from an unpaid relative would be allowed to have that relative paid, creating new costs to the program. Any increase in costs is contingent on approval of the waiver. There is not enough information available to provide an estimate of additional cost at this time.