



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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**Legislative Document**

**No. 1178**

H.P. 852

House of Representatives, March 12, 2019

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**An Act To Address the Needs of Children with Intellectual  
Disabilities and Autism Spectrum Disorder**

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

*R. B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.

Cosponsored by Representatives: CRAVEN of Lewiston, HEPLER of Woolwich, MADIGAN of Waterville, MEYER of Eliot, PEBWORTH of Blue Hill, PERRY of Calais, TALBOT ROSS of Portland, WARREN of Hallowell.

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-B MRSA c. 16** is enacted to read:

**CHAPTER 16**

## **CHILDREN'S DEVELOPMENTAL SERVICES**

## **§16001. Children's services**

**1. Services provided.** The department shall provide comprehensive services to support children up to 21 years of age with intellectual disabilities or autism spectrum disorder and their families under a waiver pursuant to Section 1915(c) of the United States Social Security Act granted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for home and community-based care.

**2. Family participation; care plan.** Services to a child under this chapter must be provided according to a care plan process established by rule of the department that requires the participation of the child's family, which includes, as applicable to the child, parents, legal guardians and a guardian ad litem. The care plan must consider the safety of the child as the highest priority. The care plan must address the child's developmental, mental health, emotional, social, educational and physical needs in the least restrictive environment. Services provided must be clinically appropriate, be provided in a location as close to the child's home as possible, be provided in a timely manner and promote early identification and intervention.

**3. Rulemaking.** The department shall adopt rules to implement this chapter. The rules must include, but are not limited to, establishing a care plan process, appropriate services, a flexible case management system that coordinates and adjusts to changing needs, appropriate reimbursement rates and a grievance process that complies with Title 22-A, section 206, subsection 4 and includes time frames for resolving grievances in a timely manner. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Waiver application.** No later than January 1, 2020, the Department of Health and Human Services shall apply for a waiver pursuant to Section 1915(c) of the United States Social Security Act to provide comprehensive home and community-based services to children up to 21 years of age with intellectual disabilities or autism spectrum disorder from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

**Sec. 3. Rulemaking.** No later than 180 days after approval of the waiver pursuant to section 2, the Department of Health and Human Services shall adopt rules to implement the provision of services under the waiver as required in the Maine Revised Statutes, Title 34-B, section 16001, subsection 3.

1                   **Sec. 4. Contingent effective date.** The section of this Act that enacts the Maine  
2 Revised Statutes, Title 34-B, chapter 16 takes effect upon approval of the waiver  
3 application required in section 2 and rulemaking required in section 3.

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## SUMMARY

5                   This bill requires the Department of Health and Human Services to apply for a home  
6 and community-based waiver from the United States Department of Health and Human  
7 Services, Centers for Medicare and Medicaid Services to provide services to children up  
8 to 21 years of age with intellectual disabilities or autism spectrum disorder. Services  
9 must be provided according to a care plan process that requires participation by the child's  
10 family. The care plan must address safety as the highest priority. The care plan must  
11 address the child's developmental, mental health, emotional, social, educational and  
12 physical needs in the least restrictive environment. Services must be clinically  
13 appropriate, be provided in a location as close to the child's home as possible, be provided  
14 in a timely manner and promote early identification and intervention. The department is  
15 directed to apply for the waiver no later than January 1, 2020. Upon approval of the  
16 waiver, the department is directed to adopt rules within 6 months. The rules are major  
17 substantive rules.