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Public Law
124th Legislature
First Regular Session

Chapter 420
S.P. 142 - L.D. 400

**An Act To Implement the Recommendations of
the Blue Ribbon Commission To Study Long-
term Home-based and Community-based Care**

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

Whereas, citizens of the State who are elderly or who are adults with physical disabilities are in need of services, as evidenced by the waiting lists in November 2008 containing 870 persons for homemaker services and 375 persons for home-based care services; and

Whereas, the Federal Government has discontinued funding for the Aging and Disability Resource Centers that have been providing information to the elderly and adults with disabilities and their families; and

Whereas, the agencies and programs that provide the needed services lack the resources to serve the persons waiting for services and require immediate appropriations of funding to meet those needs; and

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

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

Sec. 1. 22 MRSA§7301, sub-§2, as enacted by PL 1981, c. 511, §1, is amended to read:

2. Policy. The Legislature declares that it is the policy of this State, with regard to in-home and community support services:

A. To increase the availability of ~~in-home and community support services~~ long-term care services that are consumer-driven, optimize individual choice and autonomy and maximize physical health, mental health, functional well-being and independence for adults with long-term care needs through high-quality services and supports in settings that reflect the needs and choices of consumers and that are delivered in the most flexible, innovative and cost-effective manner;

B. That the priority recipients of in-home and community support services, pursuant to this subtitle, ~~shall must be the elderly and disabled adults with long-term care needs~~ who are at the greatest risk of being, ~~or who already have been, placed inappropriately in an institutional setting~~ without needed in-home and community support services; and

C. That a variety of agencies, facilities and individuals ~~shall must~~ be encouraged to provide in-home and community support services and to increase the percentages of adults with long-term care needs receiving in-home and community support services; ;

D. To promote and encourage public and private partnerships among a variety of agencies, facilities and individuals;

E. To support the roles of family caregivers and a qualified workforce in the effort to streamline and facilitate access to high-quality services in the least restrictive and most integrated settings; and

F. To establish the most efficient, innovative and cost-effective system for delivering a broad array of long-term care services.

Sec. 2. 22 MRSA §7302, sub-§5, as enacted by PL 1981, c. 511, §1, is amended to read:

5. In-home and community support services. "In-home and community support services" means health and social services and other assistance required to enable adults with long-term care needs to remain in their places of residence. These services include, but are not limited to, medical and diagnostic services; professional nursing; physical, occupational and speech therapy; dietary and nutrition services; home health aide services; personal care assistance services; companion and attendant services; handyman, chore and homemaker services; respite care; hospice care; counseling services; transportation; small rent subsidies; various devices which that lessen the effects of disabilities; and other appropriate and necessary social services.

Sec. 3. Planning for comprehensive presentation of long-term care budget for services and supports for adults with long-term care needs. The Department of Health and Human Services shall undertake a process to provide a comprehensive presentation of a budget for long-term care services and supports for adults with long-term care needs that is complementary to the State's vision for a consumer-centered approach to long-term care. By January 1, 2010, the Commissioner of Health and Human Services shall submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

Sec. 4. Report. The Department of Health and Human Services shall report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on:

1. Waiting lists for services for home-based and community-based care and homemaker services for adults with long-term care needs and strategies to eliminate waiting lists;

2. Funding sources for assistive technologies to help accomplish the State's vision of long-term services and supports for adults with long-term care needs;

3. A comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities; and

4. Work done regarding the expenditures and the operations of the Aging and Disability Resource Centers and efforts to improve the discharge planning process and the provision of information to consumers and their families.

Sec. 5. Increase number of people served. The Department of Health and Human Services shall undertake efforts to increase the number of people served and funds spent in home-based and community support services for people with long-term care needs. The department shall report annually through 2015 on its progress regarding increased funding and access to in-home and community support services by February 1st beginning in 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

Sec. 6. Aging and Disability Resource Centers. As resources permit, the Department of Health and Human Services shall work with the 5 area agencies on aging to identify and seek federal or other appropriate funding sources to provide services on a statewide basis through the Aging and Disability Resource Centers.

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

Effective June 17, 2009