

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
124th Legislature
Second Regular Session

Chapter 546
H.P. 954 - L.D. 1364

**An Act To Stimulate the Economy by Expanding
Opportunities for Direct Support Aides**

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

Sec. 1. 22 MRSA §7301, sub-§2, ¶C, as amended by PL 2009, c. 279, §2 and c. 420, §1, is further amended to read:

C. That a variety of agencies, facilities and individuals 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 provided by persons who are employed as personal care assistants or direct support aides or by other providers. For the purposes of this paragraph, "direct support aide" means a personal care worker or direct support worker who provides a range of services, including personal daily living supports, health supports and community supports, to adults with long-term care needs;

Sec. 2. 22 MRSA §7301, sub-§2, ¶F, as enacted by PL 2009, c. 279, §2 and c. 420, §1, is repealed and the following enacted in its place:

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

Sec. 3. Plan for developing direct support aide employment policies. The Commissioner of Health and Human Services shall convene a work group of persons representing all of the significant parties, including but not limited to consumers and workers, interested in direct support aide employment policies, training programs and compensation rates. The work group shall review direct support aide employment to determine the extent to which the following goals are being met in programs administered by the Department of Health and Human Services:

1. Development of a rational, equitable and clear framework for defining jobs, administering compensation, designing and delivering training and ensuring a sufficient and high-quality workforce;

2. Development of a logical sequence of employment tiers, showing employment and training links among long-term care and acute care jobs, in both facility-based and home-based services;

3. The establishment of a statewide job classification system of direct support job titles, including direct support aide, with an initial focus on personal care jobs within programs funded by the department;

4. The setting of rates for all jobs classified in the statewide job classification system for wages, benefits, training, travel, supervision and administrative costs, with a goal of achieving transparency and wage level parity across programs, with reimbursement rates that cover the cost of health insurance and workers' compensation, liability insurance, recruitment, background checks and motor vehicle violation checks; and

5. Consideration of a multidepartmental oversight entity to be established by statute or by executive action to be assigned responsibility and authority to implement and provide ongoing oversight of the recommendations regarding direct support aide employment policies that result from work undertaken pursuant to this section.

For the purposes of this section, "direct support aide" has the same meaning as defined in the Maine Revised Statutes, Title 22, section 7301, subsection 2, paragraph C.

Effective July 12, 2010