



130th MAINE LEGISLATURE

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Legislative Document

No. 1204

S.P. 389

In Senate, March 24, 2021

**An Act To Address the Shortage of Direct Care Workers for
Children with Disabilities in Maine**

Received by the Secretary of the Senate on March 22, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative STETKIS of Canaan and
Senator: DAVIS of Piscataquis, Representatives: CRAVEN of Lewiston, MADIGAN of
Waterville, PERRY of Calais.

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

2 **Sec. 1. 22 MRSA §3174-FFF** is enacted to read:

3 **§3174-FFF. In-home personal care services to minors**

4 **1. Reimbursement for parent.** A parent of a child who is eligible for in-home
5 personal care services under the MaineCare program may register as a personal care agency
6 as defined in section 1717, subsection 1, paragraph C and determined in department rule
7 and receive reimbursement for providing those services to the child if the following
8 requirements are met:

9 A. The parent has made reasonable efforts to obtain regular in-home personal care
10 services; and

11 B. The parent has satisfied the requirements of the applicable background check
12 required for providers of in-home personal care services.

13 **2. Employer designation.** In order for a parent to be registered as a personal care
14 agency under subsection 1, another individual who is not a parent of the child must be
15 designated the employer. The person designated as the employer must be approved by both
16 the department and the parent to act in the child's interest.

17 **3. Rulemaking.** The department shall adopt rules to implement this section. Rules
18 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
19 375, subchapter 2-A.

20 **Sec. 2. Department of Health and Human Services to seek federal**
21 **approval.** The Department of Health and Human Services shall seek any necessary state
22 plan amendments or waivers from the United States Department of Health and Human
23 Services, Centers for Medicare and Medicaid Services to implement the Maine Revised
24 Statutes, Title 22, section 3174-FFF. The department shall submit the requests for approval
25 no later than 6 months after the effective date of this Act.

26 **Sec. 3. Rulemaking.** The Department of Health and Human Services shall adopt
27 rules in accordance with the Maine Revised Statutes, Title 22, section 3174-FFF,
28 subsection 3 no later than 6 months after receiving the necessary approvals from the United
29 States Department of Health and Human Services, Centers for Medicare and Medicaid
30 Services.

31 **Sec. 4. Contingent effective date.** That section of this Act that enacts the Maine
32 Revised Statutes, Title 22, section 3174-FFF takes effect only if the necessary approvals
33 sought pursuant to section 2 of this Act are received. The Commissioner of Health and
34 Human Services shall notify the Secretary of State, Secretary of the Senate, Clerk of the
35 House of Representatives and Revisor of Statutes when approvals sought under section 2
36 have been received.

37 **SUMMARY**

38 This bill allows for the reimbursement of a parent providing in-home personal care
39 services to the parent's child by allowing the parent to register as a personal care agency if
40 the parent has made reasonable efforts to obtain regular in-home personal care services and
41 has passed a background check. The child must be eligible for the MaineCare program. An

1 individual who is not a parent of the child must be designated as the employer and must be
2 approved as the employer by both the parent and the Department of Health and Human
3 Services. The department is required to request the necessary state plan amendments or
4 waivers from the federal Department of Health and Human Services, Centers for Medicare
5 and Medicaid Services and adopt routine technical rules upon federal approval.