

# 131<sup>st</sup> Legislature

## First Regular Session *and*

## First Special Session Wrap-Up

## **MCHQS Bills of Interest Page**

[https://docs.google.com/document/d/1g11Oy0Y6EhfdOnWLa683hll9glrQYtYuJrnB\\_zlO8ls/edit?usp=sharing](https://docs.google.com/document/d/1g11Oy0Y6EhfdOnWLa683hll9glrQYtYuJrnB_zlO8ls/edit?usp=sharing)

### **List of Bills that impact IDD Community**

*Link to bill, summary and status*

### **Links on how to testify in person, by zoom and how to submit testimony**

### **List of Committee Members**

*Health and Human Services Committee*

*Education and Cultural Affairs Committee*

*Appropriations*

## Budget

## Bills of Interest

*What passed?*

*What was carried over?*

*What died?*

## Questions

## Next Session

# FY24 & 25 Budget

## Governor's Biennial Budget & Change Package for FY24 & FY25

- A “Majority Budget / Continuing Services” budget passed in March effective July 1, 2023
- Session adjourned and Governor called a Special Session which began April 5, 2023
- A “Change Package” will was introduced in April and ultimately passed at the end of July effective, October 25, 2023

## Full Budget as Chaptered Law

LD 258 <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0163&item=14&snum=131>

*An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024, and June 30, 2025*

## FY24 & 25 Budget (continued)

### DHHS budget includes

- 42 million to continue 125%/AAAA initiative for Direct Care Service rates and annual COLA (currently budgeted for 2.84%) for rates that have not been adjusted under the new Rate Setting System
- Funding to clear Section 29 waitlist by June of 2025 (supporting an estimated 50 new adults per month) and additional funding to support people on Section 21 waitlist (level 1)
- Funding to start Lifespan Waiver in 2025

## FY24 & 25 Budget (continued)

### DOE budget includes

- 10.5 million initiative over 2 years for additional preschool programming to “bring Maine into compliance with IDEA”
- 15 million CDS one-time funding in FY24 to pay for the educational services provided by special purpose preschools while DOE/CDS establishes a daily rate for the 2024-2025 school year.

## **BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET**

### **LD 35 *An Act To Establish Adult Protective Services Training Requirements For Professionals Mandated To Report Suspected Abuse, Neglect Or Exploitation To Enhance Protection Of Incapacitated And Dependent Adults***

This bill requires professionals mandated to make reports of abuse, neglect and exploitation of incapacitated and dependent adults pursuant to the Adult Protective Services Act to complete training on mandated reporter responsibilities once every 4 years.

### **LD 346 *An Act to Clarify the Requirements for Family Caregivers***

Taken off Special Appropriations Table and included in the enacted Change Package/[Budget](#) See pages 339-340  
General Fund appropriations to the Department of Health and Human Services of \$54,902 in fiscal year 2024-25 for a parent of a child who is eligible for home health aide services under the MaineCare program to receive reimbursement for providing those services to the child.

Requires CMS Waiver, Rulemaking and a progress report in Feb. 2024 to HHS Committee.

### **LD 886 *An Act to Allow Clerks to Issue Absentee Ballots After the 3rd Business Day Before Election Day to Voters Who Have a Nonphysical Disability and Voters Who Support a Person with a Disability***

This bill expands the list of persons who may receive an absentee ballot after the 3rd business day before election day to include persons with *any* disability, rather than persons with a physical disability as current law provides, and to include persons providing volunteer or uncompensated care to a person with a disability

## **BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET (continued)**

**LD 393 *Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education***

This resolve provides for legislative review of portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a major substantive rule of the Department of Education Rules adopted with one change regarding the response to multiple incidents of physical restraint and seclusion, to require meetings after every 3 incidents of physical restraint or seclusion there must be an exception that provides that, notwithstanding the meeting requirements are not required to hold more than one meeting within any 30-school-day period.

**LD 449 *An Act to Authorize the Department of Health and Human Services to License Home-based and Community-based Services for Persons with an Intellectual Disability, Autism Spectrum Disorder or a Related Condition or an Acquired Brain Injury and Define Autism Spectrum Disorder***

This bill requires a new licensing program for organizations that provide services to an adult with an intellectual disability, autism spectrum disorder, a related condition or an acquired brain injury. Department is hosting an upcoming Virtual Public Listening Session – IDD Service Provider Licensing



## **BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET (continued)**

### **LD 659 “Lifespan Waiver Bill” An Act to Promote Seamless and Flexible Home and Community Supports Across the Lifespan for Individuals with Intellectual and Developmental Disabilities or Autism**

This bill requires the Department of Health and Human Services to adopt rules to implement a MaineCare home and community-based lifespan program. Initially, the program will enroll individuals with intellectual and developmental disabilities or autism and, during a 2nd phase, individuals with other related conditions will be added. Compared to the existing rule Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 21 and 29 waiver programs, the lifespan program will enable supports to change over time within one program as an individual's needs change or the needs of persons who provide support to that individual change.

Also, eligibility for the lifespan program will begin at a younger age, enabling a smoother transition from children’s services to adult services. Once the lifespan program becomes operational, new enrollment under Sections 21 and 29 will be closed, but existing participants of those programs will have the option of continuing in their current waiver programs or transitioning to the lifespan program during the 2nd phase.

The Department has solicited comments on a recently released LSW concept paper and is holding in person regional sessions Sept. 22 – 28.

## **BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET (continued)**

**LD 1106** *Resolve, to Improve the Transition to Adult Services for Children with Intellectual Disabilities and Autism Spectrum Disorder*

**Statewide transition from children's to adult services pilot project report.**

Resolved: That the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services with an update on its plans to improve the transition for individuals receiving children's services from the department's Office of Child and Family Services to adult services from the department's office of aging and disability services as evaluated in the *Improving the Transition from Children's to Adult Services pilot project, ME201.10, funded under Section 9817 of the federal American Rescue Plan Act of 2021*. The report must be submitted no later than January 15, 2024 and detail improvements and planned improvements to the process by which children 14 years of age and older with intellectual disabilities and autism spectrum disorder are identified for adult and transitional services and receive case management support, training and educational services.

The report must also include any improvements and planned improvements to training for case managers and liaisons as well as any changes to services expected from any planned amendments to MaineCare waiver programs serving individuals with intellectual disabilities and autism spectrum disorder.

## **BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET (continued)**

### **LD 1003 *An Act To Increase Access To Behavioral Health Services For Children And Individuals With Intellectual Disabilities Or Autism***

This bill originally required the Department of Health and Human Services to: 1. Provide crisis and respite services for persons with intellectual disabilities or autism to ensure that such a person does not stay in a hospital emergency department for more than 24 hours after the individual has met the medical criteria for safe discharge; 2. Maintain a publicly accessible website in order to track the use of various crisis services; and 3. Establish and maintain a statewide system of crisis services to meet the needs of children who have behavioral health *needs*.

An amendment passed that cuts all three original provisions of the bill and creates a stakeholder group to propose a so called “no reject/no eject” policy for providers of behavioral health and IDD services to accept all referrals and to maintain services regardless of individuals needs or changes in need. A report is due to HHS committee by January 2, 2024.

## BILLS THAT PASSED and/or WERE INCLUDED IN THE BUDGET (continued)

### **LD 1309** *An Act To Clarify Requirements For Payment Of Tuition For Children With Disabilities By The Department Of Education's Child Development Services System*

Bill did not pass but language and one time funding was included in the enacted [change package/budget](#).

This bill requires special purpose private schools and private general purpose agencies that provide both educational and behavioral health services to children with disabilities who have not attained 6 years of age to receive payments for the educational services they provide from the Child Development Services System within the Department of Education. The bill requires that the Child Development Services System work with these private schools and general purpose agencies to establish, prior to the beginning of the 2024-2025 school year, appropriate daily rates for payments for the educational component of their services.

In the short term the enacted budget includes one-time 2023-2024 funds for payments for specially designed instruction provided by special purpose private preschools at a rate of \$125 per day, per child, for scheduled school days in accordance with a child's individualized education program

### **LD 1528** *Resolve, To Establish A Pilot Program And Convene A Work Group Regarding The Provision Of Services By The Child Development Services System*

No later than February 15, 2024, the Department of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs regarding services provided by the Child Development Services System pursuant to the Maine Revised Statutes, Title 20-A, section 7209, subsection 3 including a free, appropriate public education for eligible children from 3 years of age to under 6 years of age in school administrative units. The report must include a description of successful delivery models and address the following points: 1. Development and implementation of partnerships with private providers; 2. Funding models and budgets; 3. Responsibility for free, appropriate public education; 4. Transportation; 5. Employment and staffing; 6. Programs, enrollment and children served; and 7. Infrastructure and material needs. The Joint Standing Committee on Education and Cultural Affairs is authorized to submit legislation related to the report to the Second Regular Session of the 131st Legislature.

## **BILLS THAT HAVE BEEN CARRIED OVER and CAN BE CONSIDERED NEXT SESSION (cont.)**

### **LD 473 *Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program***

This resolve directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, to allow for reimbursement for up to 120 hours of applied behavior analysis services.

### **LD 744 *Resolve, to Direct the Department of Health and Human Services to Perform Rate Studies and Rate Determinations for Providers of Certain Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder***

This resolve directs the Department of Health and Human Services to conduct rate studies and rate determinations for home and community benefits and support services for members of the MaineCare program with intellectual disabilities or autism spectrum disorder. The Office of Aging and Disability Services within the department is directed to convene a working group to advise the department on the development of a daily rate payment system for agency home support service providers to be incorporated into the rate determinations. The department is required to implement the rates determined no later than January 31, 2025.

Department announced on Friday that they will be conducting a rate study of all services under Section 21 & 29.

## **BILLS THAT HAVE BEEN CARRIED OVER and CAN BE CONSIDERED NEXT SESSION (cont.)**

### **LD 825 *An Act Relating to Transportation Services for MaineCare Members with Multiple Disabilities***

This bill requires that transportation services provided to members of the MaineCare program who have multiple disabilities ensure that: a vehicle transporting the MaineCare member is equipped in a manner that accommodates the member's disabilities safely, ensure that the driver is physically capable of assisting the member in the event of an emergency and, to the extent possible, provide consistency in drivers.

### **LD 948 *An Act To Create A Liaison Position Between The Department Of Education And The Department Of Health And Human Services On Early Childhood Education Matters***

This bill creates the position of early childhood education specialist within the Department of Education to act as a liaison between that department and the Department of Health and Human Services on matters concerning early childhood education for children from birth to grade 5

## **BILLS THAT HAVE BEEN CARRIED OVER and CAN BE CONSIDERED NEXT SESSION (cont.)**

### **LD 1718 *An Act to Encourage Participation in Maine's Essential Support Workforce Through Access to Higher Education***

This bill creates the Essential Support Worker Tuition Grant Program to provide up to 4 education vouchers equal to a year's tuition up to \$4,000 at the University of Maine System, Maine Community College System or Maine Maritime Academy for an essential support worker employed in in-home or community support services reimbursed by the MaineCare program or another state program or a family member of the essential support worker.

## BILLS THAT DIED

See full list:

[https://docs.google.com/document/d/1g11Oy0Y6EhfdOnWLa683hll9glrQYtYuJrnB\\_zlO8ls/edit?usp=sharing](https://docs.google.com/document/d/1g11Oy0Y6EhfdOnWLa683hll9glrQYtYuJrnB_zlO8ls/edit?usp=sharing)



## NEXT SESSION

- The "short session": January 3, 2024 – April 17, 2024
- Legislators will consider bills that were carried over as well as new bills
- Any new bill must be filed by September 29 and will only be sent to a committee if it passes Legislative Council

# QUESTIONS?

# Thank you!

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