

130th Legislature Second Session (2022) Wrap-Up

Maine Coalition for Housing and Quality Services *May 9, 2022*

Monday, May. 9.

Veto session today. Legislature may vote to override possible vetoes issued by the Governor.

Likely last day - *sine die!*

Budget/Funding

Passed/Enacted

Other Bills of Interest

Questions/Discussion

Budget

Supplemental Budget FY22 & FY23

LD 1995 *An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023.* Signed by Governor.

INCLUDES

125% Initiative

\$35.5 million in additional funding to support the 125% initiative that was adopted in last year's budget

- Supports some, but not all rates to support workforce with 125% of minimum wage. Currently 125% of minimum wage = \$15.94.
 - Achieved in large part by new annual COLAs for services rates set for this year at 4.9%
- COLAS applied to all HCBS (18,19, 20, 21 & 29) services, Section 13, 28 and 65 with the exception of Community Supports-Center Based services and BI Group Home 5-8 person

Waitlists

Some funding for Section 21 level 1

Maintains current level of waitlist by funding an additional estimated 30 people per month

Budget (continued)

Supplemental Budget FY22 & FY23

LD 1995 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023. Signed by

INCLUDES

- \$2 million for a one-time payment for providers of Targeted Case Management (estimated 4-5% of annual service cost) – anticipated in June
- \$6 million for a one-time payment for providers of Agency Home Support Services – anticipated this summer

Budget (continued)

DOES NOT INCLUDE

- Additional funding to decrease *all* waitlists
- Funding to address the Agency Home Support (Group Home) rate shortfall of \$2.36 an hour. While this was included in the 125% initiative and increased, the rate was simultaneously cut by the department without notice, stakeholder input or a new rate study, leaving providers unable to reach the 125% threshold as intended. HHS Committee unanimously supported increasing the rate to address the shortfall. AFA committee did not include them in the budget.

Budget (continued)

DOES NOT INCLUDE

- Carry over bills left on the AFA table from 2021.
 - See list here:
https://docs.google.com/document/d/1mZGvW7WGF_2jsoW3iONj0MP_TcmAXFPq3pSIIXCZYo/edit?usp=sharing
- **LD 1574 An Act To Ensure Support for Adults with Intellectual Disabilities or Autism with High Behavioral Need**

This bill requires the Department of Health and Human Services to establish by rule reimbursement rates for positive behavioral support plans and behavior management plans provided to persons with intellectual disabilities or autism. The rates must be adequate to cover all parts of the plans, including clinical oversight, equipment and staff with additional training, qualifications and experience required for managing challenging behavior or preventing a personal crisis.

Amendment introduced and adopted by committee to utilize medical add-on rate to support consumers with behavior management plans. Passed House and Senate. Left on AFA table.

Passed

LD 1774 An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1325&item=3&snum=130>

Under the former probate code, an adult subject to guardianship is entitled to retain counsel or seek court-appointed counsel in a proceeding to terminate a guardianship. This new law gives adults subject to guardianship the right to retain counsel and to communicate with other advocates and the court for any reason (not just during a proceeding to terminate guardianship)

Passed

LD 1775 Resolve, Regarding MaineCare Funding For Maine Schools - as amended

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1326&item=3&snum=130>

This amendment requires the Department of Education to collaborate with the Department of Health and Human Services in its development of a comprehensive system that will support, in addition to school districts, the State's intermediate educational unit currently known as the Child Development Services System and special-purpose private schools in seeking reimbursement for MaineCare-eligible services for all children from birth to grade 12.

The department is required to submit a report with suggested legislation by November 2, 2022 to the joint standing committee of the Legislature having jurisdiction over education matters, which may submit legislation to the First Regular Session of the 131st Legislature.

Passed

LD 1798 An Act To Ensure Health Insurance Coverage for Certain Adults with Disabilities

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1339&item=3&snum=130>

This bill requires health insurance policies that offer coverage for a dependent child to cover adults with disabilities who are unable to sustain themselves through employment regardless of age.

Passed

LD 1867 An Act To Codify MaineCare Rate System Reform

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1377&item=3&snum=130>

This bill formalizes the Department of Health and Human Services' MaineCare provider reimbursement rate system reform effort by establishing rate development principles and processes, specifying rule-making requirements for rate adjustments, ensuring access to a funding source, as needed, for associated rate adjustments and establishing an expert technical advisory panel to assist the Commissioner of Health and Human Services on MaineCare rates and payment models.

Creates annual COLA (except if a rate was raised in the last 12 months); website with published rates, standing rate setting subcommittee as part of MaineCare Advisory Committee (MAC); adds a requirement that the department give advance notice of rate updates that do not require rulemaking to stakeholders.

Passed

LD 2003 An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1489&item=9&snum=130>

This new law makes changes to zoning and land use laws based upon the recommendations in the report of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. These changes include making it easier to develop affordable housing, specifically smaller 2- to 4-unit properties.

DID NOT PASS

LD 1773 An Act To Make a Proposed MaineCare Benefits Manual Rule Pertaining to Global Home and Community-based Services Waiver Programs and Person-centered Planning and Settings a Major Substantive Rule

This bill designates rules adopted by the Department of Health and Human Services 5 before January 1, 2023 relating to implementing the federal requirements of Section 6 1915(c) of the United States Social Security Act for certain home and community-based 7 services as major substantive rules. (Link here for definition of major substantive:

State rule was adopted in January ahead of this hearing and is now already in place, making the key provision of this bill moot. Died in committee. Department pushed back compliance deadline two months for providers, removed a set of reporting requirements for non-residential settings.

DID NOT PASS

[LD 2039](#) An Act To Reorganize the Provision of Services for Infants, Toddlers and Children with Disabilities from Birth to 6 Years of Age and Extend the Age of Eligibility under the Federal Individuals with Disabilities Education Act to 22 Years of Age.

This bill would have formalized the transition of Child Development Services (CDS) services to the School Administrative Units (SAUs)

Language and LD released last week of session. Divided Committee Report. Majority report failed in House. Minority report passed in Senate.

Other Bills of Interest?

Questions/Discussion?

What's Next?

- *November Elections - Get to know the candidates!*
- *Contact your State Representative and Senator about issues that matter to you.*

USEFUL LINKS

Maine Legislature Homepage: <http://legislature.maine.gov/>

Maine Legislature Youtube Channels for Legislative Committees
<https://www.youtube.com/mainestatelegislature>