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LD 1936

L.D. 1936

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Date:

(Filing No. H-)

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HEALTH AND HUMAN SERVICES

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Reproduced and distributed under the direction of the Clerk of the House.

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

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129TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT " " to H.P. 1380, L.D. 1936, Bill, "An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors"

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Amend the bill by striking out everything after the enacting clause and inserting the following:

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Sec. 1. 22 MRSA §3174-EEE is enacted to read:

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§3174-EEE. In-home personal care services to minors

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1. Reimbursement for parent. A parent of a child who is eligible for in-home personal care services under the MaineCare program or a similar state-funded program may receive reimbursement for providing those services to the child only if the parent is hired and supervised by an employer pursuant to subsection 2 and in accordance with rules adopted by the department.

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2. Employer designation. In order for a parent to be reimbursed under subsection 1, an employer must be designated by the department. The employer must be approved by both the department and the parent to act in the child's best interest. The employer may be another person who is not the parent of the child or may be a personal care agency as defined in section 1717, subsection 1, paragraph C or a placement agency as defined in section 1717, subsection 1, paragraph C-1.

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

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

COMMITTEE AMENDMENT

(1)

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

6 **Sec. 4. Reports.** The Department of Health and Human Services shall submit an
7 interim report on its progress in submitting requests and receiving federal approval
8 pursuant to section 2 of this Act no later than March 1, 2021 and a final report on the
9 number of parents providing in-home personal care services to their children under the
10 Maine Revised Statutes, Title 22, section 3174-EEE, including the number of hours of
11 care provided by parents and any costs and savings no later than January 1, 2024 to the
12 joint standing committee of the Legislature having jurisdiction over health and human
13 services matters.

Do these
dates
need to
be
changed?

14 **Sec. 5. Appropriations and allocations.** The following appropriations and
15 allocations are made.

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF** *New appropriation and allocation*
17 **Medical Care - Payments to Providers 0147** *revised fiscal*
note.
18 Initiative: Provides appropriation and allocation for the reimbursement of a parent
19 providing in-home personal care services to the parent's child.

20	GENERAL FUND	2019-20	2020-21
21	All Other	\$0	\$125,868
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23	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$125,868</u>

24	FEDERAL EXPENDITURES FUND	2019-20	2020-21
25	All Other	\$0	\$221,043
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27	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$221,043</u>

28 **Sec. 6. Contingent effective date.** That section of this Act that enacts the Maine
29 Revised Statutes, Title 22, section 3174-EEE takes effect only if the necessary approvals
30 sought pursuant to section 2 of this Act are received and upon the adoption of rules in
31 section 3 of this Act. The Commissioner of Health and Human Services shall notify the
32 Secretary of State, Secretary of the Senate, Clerk of the House of Representatives and
33 Revisor of Statutes when approvals sought under section 2 have been received and the
34 rules under section 3 are adopted.'

35 **SUMMARY**

36 This amendment provides that a parent providing in-home personal care services
37 under the MaineCare program to that parent's minor child must be an employee of an

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COMMITTEE AMENDMENT " " to H.P. 1380, L.D. 1936

1 employer designated by the department. The amendment also requires the Department of
2 Health and Human Services to report to the joint standing committee of the Legislature
3 having jurisdiction over health and human services matters regarding progress in
4 submitting any waiver or state plan amendment to the United States Department of
5 Health and Human Services, Centers for Medicare and Medicaid Services and submit a
6 final report regarding the number of parents providing in-home personal care services to
7 their children.

8 This amendment also adds appropriations and allocations.

9 **FISCAL NOTE REQUIRED**

10 (See attached)



129th MAINE LEGISLATURE

LD 1936

LR 3078(02)

An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$125,868	\$125,963	\$125,963
Appropriations/Allocations				
General Fund	\$0	\$125,868	\$125,963	\$125,963
Federal Expenditures Fund	\$0	\$221,043	\$220,948	\$220,948
Revenue				
Federal Expenditures Fund	\$0	\$221,043	\$220,948	\$220,948

Fiscal Detail and Notes

The bill includes General Fund appropriations to Department of Health and Human Services of \$125,868 in fiscal year 2020-21 for the reimbursement of a parent providing in-home personal care services to the parent's child. A Federal Expenditures Fund allocation is also included for the FMAP match.

Replaced with new fiscal note



129th MAINE LEGISLATURE

LD 1936

LR 3078(02)

An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$73,423	\$125,963	\$125,963
Appropriations/Allocations				
General Fund	\$0	\$73,423	\$125,963	\$125,963
Federal Expenditures Fund	\$0	\$128,942	\$220,948	\$220,948
Revenue				
Federal Expenditures Fund	\$0	\$128,942	\$220,948	\$220,948

Fiscal Detail and Notes

The bill includes General Fund appropriations to Department of Health and Human Services of \$73,423 in fiscal year 2020-21 for the reimbursement of a parent providing in-home personal care services to the parent's child. A Federal Expenditures Fund allocation is also included for the FMAP match.

(5) (Signature)

ROS: Revising item 2 - Strike appropriations/allocation section and replace with below. Change to SFY 2021 Totals

Sec. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides appropriation and allocation for the reimbursement of a parent providing in-home personal care services to the parent's child.

GENERAL FUND		
All Other	2019-20	2020-21
	\$0	\$73,423
GENERAL FUND TOTAL		
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	\$0	\$73,423

FEDERAL EXPENDITURES FUND		
All Other	2019-20	2020-21
	\$0	\$128,942
FEDERAL EXPENDITURES FUND TOTAL		
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	\$0	\$128,942

HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS		
	2019-20	2020-21
GENERAL FUND	\$0	\$73,423
FEDERAL EXPENDITURES FUND	\$0	\$128,942
DEPARTMENT TOTAL - ALL FUNDS		
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	\$0	\$202,365

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