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STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

TO: Senator Catherine Breen, Senate Chair
Representative Teresa S. Pierce, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Ned Claxton, Senate Chair *NC (ATB)*
Representative Michele Meyer, House Chair *MM (ATB)*
Joint Standing Committee on Health and Human Services

DATE: February 5, 2021

SUBJECT: LR 1970: An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2021

The Health and Human Services Committee is pleased to provide its recommendations on LR 1970, the supplemental budget bill. Committee votes on the initiatives proposed in the budget are contained in the attached spreadsheets. Votes on language sections are described in this memo. Proposed new initiatives are described and the language and fiscal estimates are attached.

Unanimous votes to oppose initiatives proposed in the supplemental budget

The Committee voted unanimously on most of the initiatives in the supplemental budget. We also voted unanimously against two initiatives. We are opposed to eliminating direct care cost claims on nursing home bed hold days (line 120) and to achieving savings by establishing a reimbursement methodology that reimburses 340B providers at the approximate cost of 340B physician administered drugs (line 121). These initiatives were part of the curtailment. We are opposed to these cuts to nursing facilities and hospitals, especially given the serious impact of the pandemic on nursing facilities and hospitals. The Committee also voted unanimously to include language Parts O, P, Q and R.

Divided votes on initiatives proposed in the supplemental budget

The Committee was divided on the initiative to provide \$5million for COVID-19 testing, vaccines, contact tracing and quarantine supports (line 141). The vote was 8-5 to include the initiative in the supplemental budget and the vote was on partisan lines.

The Committee was divided on Part N of the language parts. The vote was 8-5, on partisan lines, to include Part N with a technical amendment. Part N changes to the eligibility for transitional transportation to include families who are employed with income less than 200% of the federal poverty level and allow up to \$1.4million of TANF block grant expenditures to support employed families who have transportation costs. The majority voted to include the initiative with a technical amendment striking out the language “nonfarm income official poverty line” and replacing it with “federal poverty level.” Federal poverty level is defined in Title 22, section 3762, subsection 1, paragraph C. It is also our understanding from Department of Health and Human Services that the nonfarm income language no longer has a separate definition at the federal level either. The minority is opposed to this initiative (although there is no objection to the technical change).

Divided votes on new initiatives

In addition to the initiatives proposed in the supplemental budget, a majority of the Committee voted to include two new amendments relating to rates of reimbursement for direct care workers. Eight members of the Committee voted for two new initiatives and five opposed them. These votes were on partisan lines. We would like to emphasize that all members of the Committee agree that the current system of reimbursement for direct care workers is in crisis and that pay is inadequate for this important work but we take different approaches to address that.

The first amendment would increase rates temporarily and retroactively for direct care workers within MaineCare Sections 18, 20, 21 and 29 (brain injury, other related conditions, and intellectual disability and autism) and Sections 17, 28 and 65 (mental health). Many of these rates received temporary increases during the spring or the summer either through an Appendix K amendment to the 1915(c) waiver or through per member per month supplements. With lower reimbursement rates, providers continue to lose workforce. The language and fiscal estimates for this amendment are attached.

The second amendment would increase rates temporarily and retroactively for direct care workers in MaineCare Sections 12, 19 and 96 (consumer directed, elderly and disabled, and private duty nursing). Some of these providers also received temporary increases during the spring that are no longer available. This amendment also increases the reimbursement rates for Chapter 5: Office of Aging and Disability Services Policy Manual, Section 69, Independent Support Services, also known as the Homemaker Program, by 25% on an ongoing basis. Again, with lower reimbursement rates, providers continue to lose workforce. The language and fiscal estimates for this amendment are attached.

Committee members are prepared to discuss this report with you. Thank you for your consideration.

cc: Health and Human Services Committee members
Commissioner Jeanne M. Lambrew, Department of Health and Human Services
Molly Bogart, Government Relations Director, Department of Health and Human Services
Maureen Dawson, OFPR
Luke Lazure, OFPR
Anna Broome, OPLA
Erin Dooling, OPLA