

# Office of Aging and Disability Services (OADS)

Paul Saucier, Director  
January 2023



# Office of Aging and Disability Services

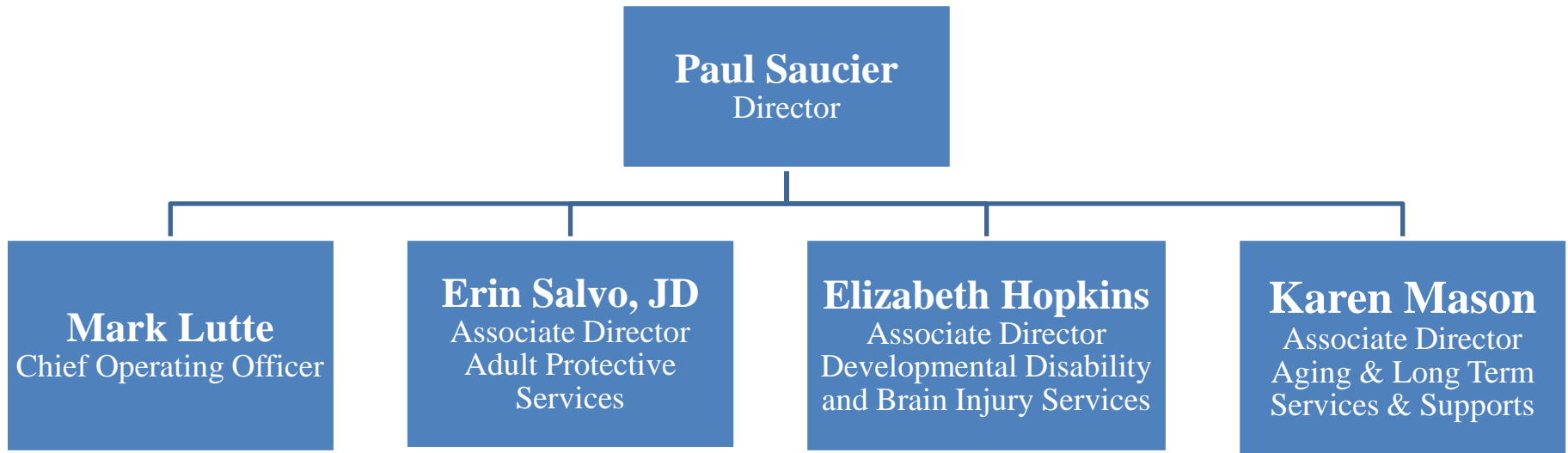
## What We Do

### **Mission**

*We promote the highest level of independence, health, and safety for older adults and adults with disabilities throughout Maine.*

The Office of Aging and Disability Services (OADS) oversees community-based services for older adults and adults with physical disabilities, brain injury, intellectual and developmental disabilities (IDD) and other related conditions. We also provide Adult Protective Services for all adults who are at risk for abuse, neglect or exploitation. Our programs are funded with a combination of State, MaineCare and other Federal sources.

# Office of Aging and Disability Services Program Leadership



# Office of Aging and Disability Services

## Community Programs for Adults

### Aging and Physical Disability

- Older Americans Act Programs
- MaineCare- and State-funded Home Care
- Homeward Bound Grant
- “Level of Care” Assessments for home care and facility care

### Intellectual and Developmental Disability (IDD) and Brain Injury

- MaineCare Home- and Community-Based Services (HCBS) for adults with IDD, brain injury and other related conditions
- Crisis Prevention and Intervention
- Case Management

### Adult Protective Services

- Investigation
- Public Guardianship and Conservatorship
- Client Asset Management
- Referral for Services

# Office of Aging and Disability Services

## Common Policy References

<b>Sect. 2 (MC)</b>	Adult Family Care Homes	<b>Sect. 62 (GF)</b>	Independent Housing Services Program
<b>Sect. 12 (MC)</b>	Consumer Directed Services	<b>Sect. 63 &amp; Ch. 11 (GF)</b>	In Home and Community Supports (merger of these 2 programs in progress)
<b>Sect. 18 (MC)</b>	Waiver Services for Adults with Brain Injury	<b>Sect. 61 (GF)</b>	Adult Day Services
<b>Sect. 19 (MC)</b>	Waiver Services for the Elderly and Adults with Disabilities	<b>Sect. 65 (GF)</b>	Nutrition Services
<b>Sect. 20 (MC)</b>	Waiver Services for Adults with Other Related Conditions	<b>Sect. 67 (MC)</b>	Nursing Facility (NF)
<b>Sect. 21 (MC)</b>	Waiver Comprehensive Services for Members with Intellectual Disabilities or Autistic Disorder	<b>Sect. 68 (GF)</b>	Respite Care Services for Adults with Alzheimer's Disease or Related Disorders
<b>Sect. 26 (MC)</b>	Day Health Services	<b>Sect. 69 (GF)</b>	Independent Support Services (Homemaker)
<b>Sect. 29 (MC)</b>	Waiver Support Services for Adults with Intellectual Disabilities and Autistic Disorder	<b>Sect. 96 (MC)</b>	Private Duty Nursing/Personal Care Services (PDN/PCS)
<b>Sect. 40 (MC)</b>	Home Health Services	<b>Sect. 97 (MC)</b>	Private Non-Medical Institutional Services (PNMI) Residential Care (5 types– Appendix B, C, D, E and F)
<b>Sect. 50 (MC)</b>	Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)		

# Office of Aging and Disability Services

## District Offices

<b>Augusta:</b>	<b>41 Anthony Ave., Augusta 04333-0011</b>	<b>(800) 452-1926</b>	<b>(207) 624-8060</b>
<b>Bangor:</b>	<b>19 Maine Avenue, Bangor 04401-3095</b>	<b>(800) 432-7825</b>	<b>(207) 561-4380</b>
<b>Biddeford:</b>	<b>457 Alfred Street, Biddeford 04005</b>	<b>(800) 482-7520</b>	<b>(207) 822-2225</b>
<b>Caribou:</b>	<b>30 Skyway Drive, Unit 100, Caribou</b>	<b>(800) 432-7366</b>	<b>(207) 493-4037</b>
<b>Ellsworth:</b>	<b>17 Eastward Lane, Ellsworth 04605</b>	<b>(800) 432-7823</b>	<b>(207) 664-1400</b>
<b>Farmington:</b>	<b>114 Corn Shop Lane, Farmington 04938</b>	<b>(800) 442-6382</b>	<b>(207) 778-8400</b>
<b>Fort Kent:</b>	<b>139 Market Street, Suite 109, Fort Kent 04743-1449</b>	<b>(800) 432-7340</b>	<b>(207) 834-1000</b>
<b>Houlton:</b>	<b>11 High Street, Houlton 04730</b>	<b>(800) 432-7338</b>	<b>(207) 532-5000</b>
<b>Lewiston:</b>	<b>200 Main Street, Lewiston 04240-7098</b>	<b>(800) 482-7517</b>	<b>(207) 795-4664</b>
<b>Machias:</b>	<b>38 Prescott Drive, Machias 04654-9984</b>	<b>(800) 432-7846</b>	<b>---</b>
<b>Rockland:</b>	<b>91 Camden Street, Suite 103, Rockland 04841</b>	<b>(800) 704-8999</b>	<b>(207) 596-4200</b>
<b>Skowhegan:</b>	<b>98 North Avenue, Skowhegan 04976</b>	<b>(800) 232-0944</b>	<b>(207) 474-4856</b>
<b>So. Paris:</b>	<b>243 Main Street, Suite 6, So. Paris 04281-1620</b>	<b>(800) 593-9775</b>	<b>(207) 744-1200</b>
<b>So. Portland:</b>	<b>151 Jetport Blvd, Suite 100, So. Portland 04102-1946</b>	<b>(800) 482-7520</b>	<b>(207) 822-2225</b>

# Office of Aging and Disability Services

## Officewide Priorities

- Strengthen quality oversight and access measurement
- Develop transparent alternative payment methods
- Support recruitment and retention of the long-term services and supports (LTSS) workforce
  - ✓ The Department's activities in this area are summarized in annual reports found [here](#)
  - ✓ Maine was recently [ranked 4<sup>th</sup> best](#) among states for direct care worker policies and economic status
  - ✓ DHHS and the Department of Labor would be pleased to schedule a workforce briefing at your convenience
- Implement new client-level IT system (Evergreen) and retire legacy systems

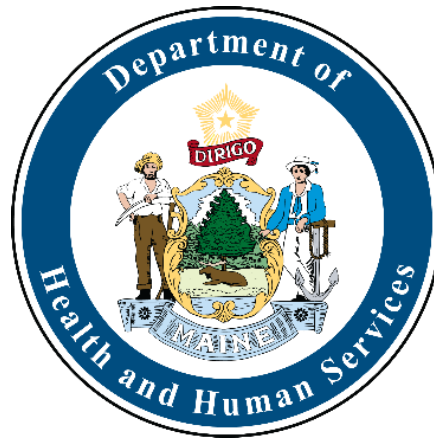
# Office of Aging and Disability Services

## Officewide Priorities

- [Home and Community Based Services \(HCBS\) Improvement Plan](#)
  - ✓ Section 9817 of the federal American Rescue Plan Act provided one-time investment funds to "enhance, expand, or strengthen" Medicaid HCBS
  - ✓ HCBS is defined to include MaineCare-funded waiver services, home health and home care, and community behavioral health services
  - ✓ Maine's [plan](#) is worth an estimated \$240M and includes over 50 projects in the areas of Access, Innovation and Quality
  - ✓ As of December 2022, Maine has expended \$132M, with the largest expenditure for direct support worker bonuses
  - ✓ Spending may not supplant current funding and must be spent on activities approved by the federal Centers for Medicare and Medicaid Services (CMS)
  - ✓ Maine must comply with maintenance of effort requirements in HCBS until the funds are fully expended
  - ✓ Current CMS deadline for expenditures is 3/31/25



# Aging and Long Term Services and Supports (LTSS)



# Office of Aging and Disability Services

## Aging and LTSS Key Services

MaineCare-Funded Home Care and Adult Day Health Services

State-Funded Home Care and Adult Day Services

Fiscal Intermediary Services for Individuals Who Choose Self-Directed Home Care Services

Older Americans Act (OAA) Services, including Nutrition, Supportive Services, Legal Services, Health Promotion and Caregiver Support

Maine Long Term Care Ombudsman Program (OAA and State-Funded)

State Health Insurance Assistance Program (SHIP)

Employment and Volunteer Programs for Older Adults

Long Term Services and Supports Functional Needs Assessments

Money Follows the Person-Maine's Homeward Bound Program

# Office of Aging and Disability Services

## State Unit on Aging

- OADS is designated as Maine's State Unit on Aging under the federal Older Americans Act (OAA) and is responsible for planning, developing, managing and providing services to promote independence for older adults
- OADS contracts with five Area Agencies on Aging (AAAs) which serve as local "one-stop-shops" to provide referrals to and answer questions about a wide range of services and resources. AAA main offices:
  - ✓ Aroostook Agency on Aging, Presque Isle
  - ✓ Eastern Area Agency on Aging, Bangor
  - ✓ Spectrum Generations, Augusta
  - ✓ SeniorsPlus, Lewiston
  - ✓ Southern Maine Agency on Aging, Scarborough

**Statewide AAA # 1-877-353-3771**

# Office of Aging and Disability Services

## LTSS Service Access Points

- Maine uses a “No Wrong Door” approach for people seeking long term services and supports. Entry points may include:
  - ✓ Area Agencies on Aging, which operate Aging and Disability Resource Centers
  - ✓ Independent Living Center (Alpha One)
  - ✓ Maine’s Long Term Care Ombudsman (LTCOP)
  - ✓ Application to Office of Family Independence for MaineCare LTSS eligibility
  - ✓ Referrals to Assessing Services Agency (Maximus), which commonly come from physicians, hospitals, providers, individuals and family members
- Applicants must meet both financial and functional eligibility requirements for LTSS programs
  - ✓ Financial eligibility for MaineCare programs is determined by the Office of Family Independence
  - ✓ Functional eligibility is determined by the Assessing Services Agency (Maximus- Tel: 833-525-5784)

# Office of Aging and Disability Services

## Aging and LTSS Key Statistics

2339

- Participants in Section 19 as of November 2022

3309

- SHIP contacts during open enrollment 2022

861

- Participants in State-funded home care programs (Chapter 11 and Section 63)
- 398 on wait list as of January 2023

2300

- Participants in State-funded Independent Support Services Program (Section 69)
- 1269 on wait list of November 2022

\$21.1M

- Current annual contract value for State Funded Sections 63 & 69 and Chapter 11

\$93.7M

- MaineCare expenditures for Section 19, SFY 2022

# Office of Aging and Disability Services

## Aging and LTSS Legislative and Program Priorities

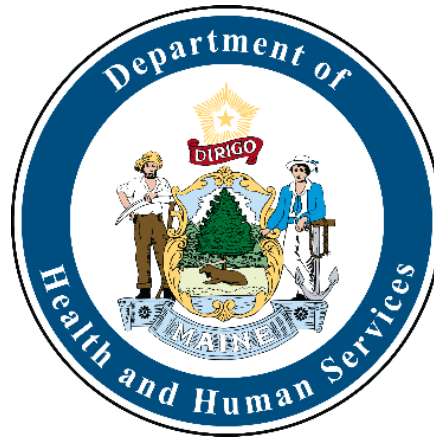
- Strengthen Aging and Disability Resource Centers (ADRCs) so AAAs can dedicate more hours to intake and referral (included in Governor's proposed budget)
- Streamline state-funded home care options by merging Section 63 and Chapter 11, and eliminate wait list (rule submitted)
- Map the need and availability of the LTSS continuum by county
- Collaborate with OMS and stakeholders on payment reform for nursing homes and residential care (Department proposing LD)
- License personal care agencies (Department proposing LD)
- Supplement federal funding for home delivered meals to facilitate a smooth transition as federal COVID funding tapers (included in Governor's proposed budget)
- Start planning for the 2024-2028 [State Plan on Aging](#) under the Older Americans Act

# Office of Aging and Disability Services

## Age-Friendly State and Cabinet on Aging

- In 2019, Governor Mills asked several Cabinet agencies to coordinate their efforts on aging, and Maine was designated an Age Friendly State. Maine's [Age Friendly work](#) includes its initial Age Friendly Plan (2020) and an [update report](#) (2022).
- In 2022, Governor Mills created the Cabinet on Aging to facilitate greater collaboration across departments on aging issues; the Cabinet builds on the work of the Age Friendly Steering Committee
- Commissioner Lambrew and Commissioner Fortman co-chair the Cabinet on Aging, and coordination is provided by the Governor's Office of Policy Innovation and the Future
- The Cabinet held public stakeholder sessions and other means to gather input in 2022 and will announce its priorities shortly
- More information on the Cabinet can be found [here](#).

# Intellectual and Developmental Disability (IDD) and Brain Injury





# Office of Aging and Disability Services

## IDD and Brain Injury Key Services

Section 18 HCBS  
Waiver Services for  
Brain Injury

Section 20 HCBS  
Waiver Services for  
Other Related  
Conditions

Section 21 HCBS  
Comprehensive  
Services for  
Intellectual Disability

Section 29 HCBS  
Support Services for  
Intellectual Disability

Section 13 Targeted  
Case Management for  
Intellectual Disability

# Office of Aging and Disability Services

## IDD and Brain Injury Key Statistics

3337

- Participants in Section 21 as of 09/30/22
- 474 are on wait list without other coverage

2674

- Participants in Section 29 as of 09/30/22
- 120 are on wait list without other coverage

192

- Participants in Section 18 as of 9/30/22
- 90 are on wait list without other coverage

45

- Participants in Section 20 as of 9/30/22
- 15 are on wait list without other coverage

\$572M

- MaineCare expenditures for Sections 18, 20, 21 and 29, SFY 2022

# Office of Aging and Disability Services

## IDD and Brain Injury Legislative and Program Priorities

### **Lifespan Program**

- Based on stakeholder input during a reform process in 2020 - 2021, OADS has proposed a Lifespan Waiver to begin January 2025. Key features include the following:
  - Enrollment starting at age 14 to support families, prepare children for greater independence and facilitate seamless transition to adult services
  - Enable supports to change over time within one program
  - Introduce service innovation and expand self-direction
  - Address the impact of aging for individuals with IDD (and their families)
- Governor Mills has included Lifespan funds in her biennial budget proposal and the Department is proposing an LD

# Office of Aging and Disability Services

## IDD and Brain Injury Legislative and Program Priorities

### HCBS Settings Rule Implementation

- Complete implementation of the federal Home- and Community-Based Services (HCBS) Settings Rule, which requires services to facilitate individualized participation in all aspects of community life, including employment (March 17, 2023 federal deadline for mandatory items)
- A small number of settings (impacting 1% of members) have received notice of non-compliance of mandatory items and most are appealing

Agencies Receiving Notice	Setting Type	# of Members	Location
9	Residential	50	Between York – and Penobscot Counties
1	Community Supports	50	Androscoggin and Penobscot Counties

# Office of Aging and Disability Services

## IDD and Brain Injury Legislative and Program Priorities

### **Innovation**

- With federal funding from the [HCBS Improvement Plan](#), a first round of innovation grants have been awarded to pilot new supports. Innovation projects include:
  - ✓ Remote Supports or Technologies
  - ✓ Assistive Technology
  - ✓ Employment and Financial Independence
  - ✓ Benefits Counseling/Advisement
  - ✓ Community Engagement
  - ✓ Member Training
  - ✓ Advocacy or Self-Advocacy
  - ✓ Exceptional Medical or Behavioral Health Needs
  - ✓ Alternative Residential Options
- A second round of grant applications is now open with awards planned for late March 2023
- Total grant awards expected to be \$10 million

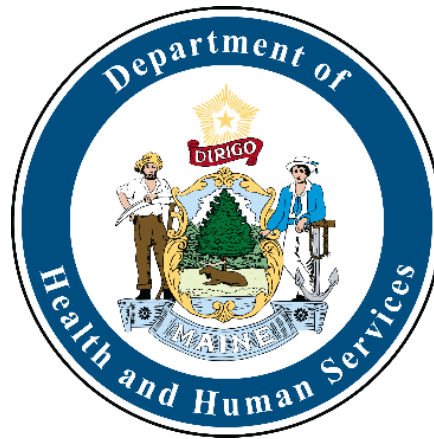
# Office of Aging and Disability Services

## IDD and Brain Injury Legislative and Program Priorities

### Access to Quality Services

- Improve access to and effectiveness of behavioral health services for individuals with IDD
  - ✓ In 2022, the [National Center for START Services](#) at the University of New Hampshire (UNH) conducted an assessment of behavioral health needs in Maine's IDD system and issued a [report](#)
  - ✓ OADS has published the [actions](#) it is taking to address the needs identified
- Ensure continuing access to waiver services and supports
  - ✓ The Governor's biennial budget proposal includes funding to add 50 additional individuals to the Section 29 waiver each month until the Lifespan program is in place (projected January 2015)
  - ✓ The budget also includes funding to enroll 50 adults per month and 40 children per month into Lifespan
  - ✓ The budget also includes funding to annualize 50 contingency slots in Section 21 that were funded in the last biennium. These and slots opening up from attrition are used to enroll priority 1 members
- Modernize licensing for IDD providers for efficiency and effectiveness (Department Bill)

# Adult Protective Services (APS)



# Office of Aging and Disability Services

## APS Responsibilities

In accordance with the APS Act (Title 22, Chapter 958-A), the Adult Protective Services program is specifically responsible for the following:

Receiving, promptly **investigating**, and determining the validity of reports of alleged abuse, neglect, and exploitation of incapacitated and dependent adults (including older adults, adults with intellectual and developmental disabilities, adults with mental health diagnoses and others)

**Taking appropriate action**, including providing or arranging for the provision of appropriate services and making referrals to law enforcement

**Petitioning for guardianship or a protective order** when all less restrictive alternatives have been tried and have failed to protect an incapacitated adult



# Office of Aging and Disability Services

## APS Investigations

- APS investigates allegations of abuse, neglect (including self-neglect), and exploitation that are reported through a statewide APS Intake phone line (1-800-624-8404) and or web referral form
- Certain professionals are mandated by statute to make reports to APS
- The Financial Abuse Specialist Team (FAST) within APS focuses on addressing financial abuse and working with law enforcement to prosecute criminal acts.
- Investigation reports are confidential except in specific circumstances such as when a court orders them to be released. This is to protect the victim and reporters

# Office of Aging and Disability Services

## Public Guardianship and Conservatorship

- OADS is the DHHS Commissioner's designated public guardian/conservatorship representative
  - ✓ Act on behalf of and as decision-maker for incapacitated adults subject to public guardianship and/or conservatorship
  - ✓ Support self-determination to the greatest extent possible (making decisions the adult would make if able to do so)
  - ✓ Report to the probate courts at least annually on each client
  - ✓ Ensure that public guardianship status does not result in entitlements above and beyond similarly situated adults who are subject to private guardianship or without a guardian
- Appointment is made as a “last resort” when:
  - ✓ Less restrictive options are not available
  - ✓ No suitable and willing private individual is available

# Office of Aging and Disability Services

## Public Guardianship and Conservatorship

- Emergency guardianship is sought when appointment of a guardian/conservator is “likely to prevent substantial harm to the adult’s physical health, safety, or welfare or (for conservatorship) prevent substantial and irreparable harm to the adult’s property or financial interests”
- The emergency guardianship process includes fewer due process protections for the adult than the non-emergency process and is therefore used sparingly
- The Probate Court may limit the Department’s decision-making authority to certain areas, such as financial or medical

# Office of Aging and Disability Services

## APS Key Statistics

12,219

- Reports received in SFY 2022
- 30% increase since FY18

1,205

- Number of clients subject to public guardianship or conservatorship in SFY 2022

\$16.4M

- Assets under management on behalf of clients in SFY22 (increase of \$2.1M over SFY 2020)

67%

- APS clients 60+ years of age in SFY 2022

17%

- APS clients receiving HCBS waiver services under Sections 18, 19, 20, 21 or 29 in SFY22

# Office of Aging and Disability Services

## APS Legislative and Program Priorities

### Elder Justice Roadmap

- Elder Justice Coordinating Partnership
  - ✓ Established by Governor Mills by Executive Order, the Partnership is made up of government and private sector experts in law enforcement, advocacy and services
  - ✓ The Partnership met in 2020-21 and delivered the [Elder Justice Roadmap](#) to Governor Mills in December 2021
  - ✓ The Governor's proposed budget provides funding for key priorities in the Roadmap, including,
    - Wrap-around services for older adults experiencing abuse, neglect, and exploitation (Elder Services Connections contract)
    - An APS Goods and Services program, to address emergency needs of clients experiencing abuse, neglect, and exploitation
    - Increased staffing capacity within the APS program
- In addition to the budget items, the Department is proposing legislation to require training for mandated reporters, which was also recommended in the Roadmap (LD 35, Sponsored by Sen. Moore)

# Office of Aging and Disability Services Resources

## **To Report Abuse, Neglect or Exploitation of an Adult:**

Nationwide 24-hour, toll-free 1-800-624-8404

TTY In State, Maine Relay 711

TTY Out-of-State 207-287-3492

## **Area Agencies on Aging:**

1-877-353-3771

## **Developmental Services and Brain Injury Crisis:**

1-888-568-1112, or 988

# Office of Aging and Disability Services Questions?



**Paul Saucier**  
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Maine Department of Health and Human Services  
Aging and Disability Services  
41 Anthony Avenue  
Augusta, Maine 04333-0011  
Tel: (207) 287-9200; Toll Free: (800) 262-2232  
Fax (Disability) (207) 287-9915  
Fax (Aging) (207) 287-9229  
TTY: Dial 711 (Maine Relay)