



127th MAINE LEGISLATURE

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Legislative Document

No. 90

H.P. 73

House of Representatives, January 16, 2015

**Resolve, To Ensure Appropriate Personal Needs Allowances for
Persons Residing in Long-term Care Facilities**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STUCKEY of Portland.
Cosponsored by Senator BURNS of Washington and
Representatives: FARNSWORTH of Portland, MAKER of Calais, TURNER of Burlington,
Senators: BREEN of Cumberland, SAVIELLO of Franklin.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas**, the people of the State need and deserve a variety of well-planned and
4 financially stable long-term care services in home-based and community-based care
5 settings and in nursing facilities in their communities; and

6 **Whereas**, recent closures of nursing facilities, in particular in rural and underserved
7 areas of the State, have had a significant impact on Maine families and communities; and

8 **Whereas**, in order to provide high-quality care to elderly and disabled persons and
9 to maintain access to services across the State, the Legislature must take immediate action
10 to continue a thoughtful and thorough planning process; and

11 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore, be it

15 **Sec. 1. Personal needs allowance for residents of nursing facilities.**
16 **Resolved:** That, by October 1, 2015, the Department of Health and Human Services
17 shall amend the rules for the MaineCare program to increase the personal needs
18 allowance for persons residing in nursing facilities. The rules must provide for an
19 increase in the personal needs allowance from \$40 per month to \$50 per month. Rules
20 adopted pursuant to this section are routine technical rules as defined in the Maine
21 Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

22 **Sec. 2. Personal needs allowance for residents of residential care**
23 **facilities. Resolved:** That, by October 1, 2015, the Department of Health and Human
24 Services shall amend the rules for the MaineCare program to increase the personal needs
25 allowance for persons residing in residential care facilities. The rules must provide for an
26 increase in the personal needs allowance from \$70 per month to \$90 per month. Rules
27 adopted pursuant to this section are routine technical rules as defined in the Maine
28 Revised Statutes, Title 5, chapter 375, subchapter 2-A.

29 **Emergency clause.** In view of the emergency cited in the preamble, this
30 legislation takes effect when approved.

31 SUMMARY

32 This resolve directs the Department of Health and Human Services to amend its rules
33 to provide for increases in the personal needs allowances of residents in nursing facilities
34 and residential care facilities. The rules are designated as routine technical rules.