



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1178

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H.P. 852

House of Representatives, March 12, 2019

**An Act To Address the Needs of Children with Intellectual  
Disabilities and Autism Spectrum Disorder**

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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 STOVER of Boothbay.

Cosponsored by Representatives: CRAVEN of Lewiston, HEPLER of Woolwich, MADIGAN of Waterville, MEYER of Eliot, PEBWORTH of Blue Hill, PERRY of Calais, TALBOT ROSS of Portland, WARREN of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA c. 16** is enacted to read:

3 **CHAPTER 16**

4 **CHILDREN'S DEVELOPMENTAL SERVICES**

5 **§16001. Children's services**

6 **1. Services provided.** The department shall provide comprehensive services to  
7 support children up to 21 years of age with intellectual disabilities or autism spectrum  
8 disorder and their families under a waiver pursuant to Section 1915(c) of the United  
9 States Social Security Act granted by the United States Department of Health and Human  
10 Services, Centers for Medicare and Medicaid Services for home and community-based  
11 care.

12 **2. Family participation; care plan.** Services to a child under this chapter must be  
13 provided according to a care plan process established by rule of the department that  
14 requires the participation of the child's family, which includes, as applicable to the child,  
15 parents, legal guardians and a guardian ad litem. The care plan must consider the safety  
16 of the child as the highest priority. The care plan must address the child's developmental,  
17 mental health, emotional, social, educational and physical needs in the least restrictive  
18 environment. Services provided must be clinically appropriate, be provided in a location  
19 as close to the child's home as possible, be provided in a timely manner and promote  
20 early identification and intervention.

21 **3. Rulemaking.** The department shall adopt rules to implement this chapter. The  
22 rules must include, but are not limited to, establishing a care plan process, appropriate  
23 services, a flexible case management system that coordinates and adjusts to changing  
24 needs, appropriate reimbursement rates and a grievance process that complies with Title  
25 22-A, section 206, subsection 4 and includes time frames for resolving grievances in a  
26 timely manner. Rules adopted pursuant to this subsection are major substantive rules as  
27 defined in Title 5, chapter 375, subchapter 2-A.

28 **Sec. 2. Waiver application.** No later than January 1, 2020, the Department of  
29 Health and Human Services shall apply for a waiver pursuant to Section 1915(c) of the  
30 United States Social Security Act to provide comprehensive home and community-based  
31 services to children up to 21 years of age with intellectual disabilities or autism spectrum  
32 disorder from the United States Department of Health and Human Services, Centers for  
33 Medicare and Medicaid Services.

34 **Sec. 3. Rulemaking.** No later than 180 days after approval of the waiver pursuant  
35 to section 2, the Department of Health and Human Services shall adopt rules to  
36 implement the provision of services under the waiver as required in the Maine Revised  
37 Statutes, Title 34-B, section 16001, subsection 3.

