

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 70 - L.D. 84

**Resolve, Directing the Department of Health and Human Services To Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members**

**Sec. 1. Department of Health and Human Services request to amend waiver. Resolved:** That, no later than January 1, 2020, the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the existing federal 1915(c) waiver, granted pursuant to the Social Security Act, 42 United States Code, Section 1396n(c), that provides home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by spouses who are employed as personal support specialists to provide those services. The waiver request must identify the specific services that may be provided by a spouse under the waiver.

**Sec. 2. Rulemaking. Resolved:** That the Department of Health and Human Services, upon receiving notice of approval for the amendment to the federal 1915(c) waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to section 1, shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow for spouses to be employed as personal support specialists for eligible members. A spouse may be reimbursed only for providing extraordinary care and services that the spouse is not normally expected to provide. The department shall adopt any rules necessary regarding the specific services that may be provided by a spouse under the waiver. Reimbursement for services provided by a spouse may not exceed the cap and limits in department rules.

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with an interim report by April 30, 2020 outlining the progress of applying for, receiving and implementing the amended federal 1915(c) waiver pursuant to section 1. The department shall submit a final report no later than January 1, 2021 outlining the progress of receiving and implementing the amended federal 1915(c) waiver, and, if the amended federal waiver is granted, the report must include data on the number of people receiving services under the department's rule Chapter 101: MaineCare

Benefits Manual, Chapter II, Section 19 who employ personal support specialists who are spouses; the costs or savings from the employment of spouses as personal support specialists; and recommendations on the feasibility of future similar expansion to other MaineCare programs or other potential waivers available under Medicaid. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill to the First Regular Session of the 130th Legislature regarding any recommendations contained in the report.

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding needed due to the amendment to the existing 1915(c) waiver that provides home and community-based services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 to allow eligible members to receive services provided by spouses.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,994	\$29,388
<b>GENERAL FUND TOTAL</b>	<u>\$13,994</u>	<u>\$29,388</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$24,664	\$51,794
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$24,664</u>	<u>\$51,794</u>