



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

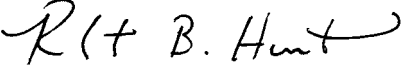
No. 1037

H.P. 673

House of Representatives, March 7, 2023

**An Act to Fund Competitive Wages for Direct Support Professionals
for Persons with Disabilities**

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


ROBERT B. HUNT
Clerk

Presented by Representative OSHER of Orono.
Cosponsored by Senator TIPPING of Penobscot and
Representatives: CRAFTS of Newcastle, GEIGER of Rockland, GOLEK of Harpswell,
LaROCHELLE of Augusta, ROEDER of Bangor, STOVER of Boothbay, WILLIAMS of Bar
Harbor.

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

2 **Sec. 1. 22 MRSA §7402, sub-§1**, as enacted by PL 2021, c. 398, Pt. AAAA, §1, is
3 amended to read:

4 **1. At least ~~125%~~ 157% of the minimum wage.** An amount equal to at least ~~125%~~
5 157% of the minimum wage established in Title 26, section 664, subsection 1 for the labor
6 portion of the reimbursement rate. An increase to the minimum wage must be applied to
7 the reimbursement rate at the time the increase takes place; and

8 **Sec. 2. Reimbursement rates for home and community-based services.** The
9 Department of Health and Human Services shall amend its rules to increase MaineCare
10 reimbursement rates for home and community-based services, including daily living
11 supports, by increasing the labor portion of the reimbursement rates for essential support
12 workers as defined in the Maine Revised Statutes, Title 22, section 7401, subsection 3 to
13 157% of the minimum wage and by increasing reimbursement for related taxes and benefits
14 for the following sections of rule Chapter 101: MaineCare Benefits Manual, Chapter III:

- 15 1. Section 12, Allowances for Consumer Directed Attendant Services;
- 16 2. Section 17, Allowances for Community Support Services;
- 17 3. Section 18, Allowances for Home and Community-Based Services for Adults with
18 Brain Injury;
- 19 4. Section 19, Home and Community Benefits for the Elderly and Adults with
20 Disabilities;
- 21 5. Section 20, Allowances for Home and Community Based Services for Adults with
22 Other Related Conditions;
- 23 6. Section 21, Allowances for Home and Community Benefits for Adults with
24 Intellectual Disabilities or Autism Spectrum Disorder;
- 25 7. Section 26, Day Health Services;
- 26 8. Section 29, Allowances for Support Services for Adults with Intellectual Disabilities
27 or Autism Spectrum Disorder;
- 28 9. Section 65, Behavioral Health Services; and
- 29 10. Section 96, Private Duty Nursing and Personal Care Services.

30 **Sec. 3. Reimbursement rates for state-funded home and community-based**
31 **services.** The Department of Health and Human Services shall amend its rules to increase
32 reimbursement rates for state-funded home and community-based services by increasing
33 the labor portion of the reimbursement rates for essential support workers as defined in the
34 Maine Revised Statutes, Title 22, section 7401, subsection 3 to 157% of the minimum wage
35 and by increasing reimbursement for related taxes and benefits for the following
36 department rules:

- 37 1. 14-197 C.M.R. Chapter 11, Consumer Directed Personal Assistance Services;
- 38 2. 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual,
39 Section 61, Adult Day Services;

1 3. 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual,
2 Section 63, In-Home and Community Support Services for Elderly and Other Adults;

3 4. 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual,
4 Section 68, Respite Care Services for People with Alzheimer's or Related Disorders; and

5 5. 10-149 C.M.R. Chapter 5, Office of Aging and Disability Services Policy Manual,
6 Section 69, Office of Elder Services Homemaker Program.

7 **Sec. 4. Reimbursement rates for residential services.** The Department of
8 Health and Human Services shall amend its rules to increase per diem calculations to
9 include an increase to the labor portion of the reimbursement rates for essential support
10 workers as defined in the Maine Revised Statutes, Title 22, section 7401, subsection 3 to
11 157% of the minimum wage and by increasing reimbursement for related taxes and benefits
12 for the following residential services provided under rule Chapter 101: MaineCare Benefits
13 Manual, Chapter III:

14 1. Section 2, Adult Family Care Services;

15 2. Section 50, Principles of Reimbursement for Intermediate Care Facilities for
16 Individuals with Intellectual Disabilities;

17 3. Section 67, Principles of Reimbursement for Nursing Facilities; and

18 4. Section 97, Private Non-Medical Institution Services, Appendix C.

19 SUMMARY

20 This bill amends the law governing essential support worker reimbursement under
21 MaineCare or state-funded home and community-based services and residential services
22 by increasing the rate for the labor portion of reimbursement to 157% of the minimum
23 wage as well as reimbursement for taxes and benefits directly related to the labor portion.
24 As in current law, the reimbursement is tied to any increase in the minimum wage, which
25 includes an annual cost-of-living increase, and the same cost-of-living increase is applied
26 to reimbursement for related taxes and benefits.