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S.P. 189

In Senate, February 19, 2013

Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options

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

DAREK M. GRANT Secretary of the Senate

Presented by Senator FLOOD of Kennebec.

Preamble. Whereas, the Department of Health and Human Services has drafted performance standards for individuals served under a community support benefit provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter 101, Sections 21 and 29; and

Whereas, the draft standards jeopardize current employment of at least 170 individuals; and

Whereas, the draft standards discourage subminimum wage options for these individuals, who have been designated as unemployable by the Department of Labor, Bureau of Rehabilitation Services, division of vocational rehabilitation; and

Whereas, both federal and state laws recognize subminimum wage options to be acceptable for certain individuals, subject to applicable rules and certification; and

Whereas, state law mandates that determination of support needs is the responsibility of the individual's personal planning team; and

Whereas, while the draft standards may reflect achievable measures for the waiver system overall, they fail to address the needs of all individuals among the varying case mix among service providers; now, therefore, be it

- **Sec. 1. Standards. Resolved:** That the Department of Health and Human Services shall continue working with provider agencies to develop standards that ensure that all employment options, including subminimum wage options, continue to be available for individuals served under a community support benefit provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter 101, Sections 21 and 29; and be it further
- **Sec. 2. 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 prior to implementing the standards developed under section 1 with an analysis of the impact on all individuals currently receiving services under a community support benefit provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter 101, Sections 21 and 29 and the likely future impacts.

30 SUMMARY

This resolve directs the Department of Health and Human Services to continue working with provider agencies to develop standards to ensure consideration of all employment options, including subminimum wage options, under the MaineCare waiver program for individuals who are designated as unemployable. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters before implementing new standards.