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## Legislative Impact Statement

To: Chairperson Marvin L. Abney  
From: Elisabeth Hubbard, Executive Secretary

Wednesday, May 15, 2024

The Governor's Commission on Disabilities' Legislation Committee has developed a Legislative Impact Statement on the bill listed below. The Commission would be pleased to present testimony to the committee. Please contact me (462-0112) if testimony is desired or for additional information.

### **24 HOUSE 7298 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM**

Introduced by Representative Serpa

This bill would ensure that Medicaid programs operated by EOHHS would not reimburse home care providers less than fee-for-service rates adopted by rate review recommendations of the office of health insurance commissioners.

#### **The Legislation Committee finds this bill beneficial if amended.**

The Commission supports this bill as we support care in the community. By providing payment that is at least equal to fee-for-service rates for home care, we can ensure that there are adequate home care staff for people with disabilities. Without adequate staff, many people with disabilities who need home care are forced to live in a facility to receive the care they need. Ensuring adequate services in the community ensures compliance with the ADA and *Olmstead v. Curtis*, which require that services must be provided in the community and not in a facility whenever possible.

We are concerned with the double-negative in the language of the bill. To make the language and purpose of the bill clearer, we suggested replacing the phrase "shall not reimburse home nursing care providers and hospice providers less than fee-for-service rates for 24 these skilled services in the home" (p. 5 lines 23-24) to read instead "shall reimburse home nursing care providers and hospice providers at a rate at minimum

equal to fee-for-service rates for these skilled services in the home". This language would be less confusing to the reader.

CC: Representative Serpa  
Rico Vota, Governor's Office of Legislative Affairs