

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Aging and Disability Services
11 State House Station
41 Anthony Avenue
Augusta, Maine 04333-0011
Tel; (207) 287-9200; Toll Free: (800) 262-2232
Fax (Disability) (207) 287-9915; Fax (Aging) (207)287-9229
TTY: Dial 711 (Maine Relay)

Office of Aging and Disability Services Guidance related to
Executive Order 3FY20/21 Pertaining to Case Management for Adults with Intellectual and
Developmental Disabilities and Autism

Case Managers play a pivotal role in people's lives. Effective case management supports to individuals with Intellectual and Developmental Disabilities (I/DD) and Autism during the COVID-19 state of emergency are integral to ensure health, safety, and that a person's needs are met. The COVID-19 emergency has made it necessary to allow flexibility in the person-centered planning process that case managers lead, and some of those flexibilities were addressed in Appendix K to Maine's home- and community-based waiver programs, approved by the federal Centers for Medicare and Medicaid Services (CMS). However, certain case management provisions exist in Maine statute and regulations and cannot be waived by the federal government. In order to align State policy with what has already been approved by CMS, and to prevent disruptions in existing case manager relationships, Governor Mills issued Executive Order 3FY20/21, which suspends temporarily the enforcement of State statutory and regulatory provisions related to case management caseload ratios, annual person-centered plan reviews and DHHS-delivered training. The effective date is May 1, 2020. The Executive Order remains in effect until rescinded, the State of Civil Emergency is terminated, or the related CMS-approved provisions end.

The Executive Order requires the Office of Aging and Disability Services (OADS) to issue guidance that provides alternatives to the statutory and regulatory provisions for protecting the interests of those served by the provisions. This guidance provides those alternatives.

1. Enforcement of 34-B MRSA §5201(6)(D) and related rule 14-197 CRM Ch. 10 section VI.D.1 requiring a maximum caseload of 35 individuals per case manager are temporarily suspended. Agencies wishing to have enforcement suspended must submit the following to OADS:
 - a. The current caseload ratio that exists at the agency;
 - b. Assurance that the agency can serve clients safely and respond to necessary rapid Person Centered Plan (PCP) changes at this ratio, and a description of the strategies being employed to do so;
 - c. Assurance that the agency is making good faith efforts to hire additional case managers to meet the statutory ratio.

This information may be delivered via email to the OADS case management liaison, who will review it. The liaison will respond with questions, if needed, or with approval of the request.

2. Enforcement of 34-B MRSA §5470-B(2)(F) and related rule 14-197 CRM Ch. 10 and 10-144 Ch. 101 section II.13.02(D) regarding annual reviews and updates of personal plans are temporarily suspended.

The Department's expectations around Person Centered Planning (PCP) are outlined in [Maine's Person Centered Planning Process- Instruction Manual](#). However, Maine recognizes that during the COVID-19 emergency the primary focus of the Case Manager must be maintaining the health and safety of the client. Consistent with Maine's [Emergency Preparedness and Response Appendix K](#) (Appendix K), which amends the 1915(c) Home and Community-Based Services (HCBS) waivers in order to respond to the COVID-19 pandemic, Person-Centered Plans (PCPs) may be extended for an additional 12 months without convening a full team meeting or holding a comprehensive review if:

- a. A meeting is held via phone, video-conferencing or other electronic communications;
- b. The member or member's guardian agrees that current services are appropriate and do not need to be updated; and
- c. Service providers agree to continue to render services as indicated in the PCP.

If the member or member's guardian believe a change to an annual PCP is needed, but the service provider is unable to update the Service Plan immediately due to COVID-19 pandemic issues, the Case Manager will document this in the PCP. The normal service planning process and Service Plan are completed by the service provider within 90 days of the effective date of the PCP.

Modifications to an existing PCP may be made without the normal service planning process if:

- a. The service provider is unable to update the Service Plan immediately due to COVID 19 pandemic issues;
- b. The member or member's guardian and Case Manager agree to the modification; and
- c. The Case Manager documents the modifications in the PCP and identifies criteria for reverting to previously-authorized services or locations.

3. Enforcement of 34-B MRSA §5470-B(8) regarding DHHS-provided training in the Person Centered Planning (PCP) process is temporarily suspended.

PCP training is required of all Case Managers within 60 calendar days of hire. Normally, OADS delivers this training. However, the COVID-19 emergency has required OADS to prioritize staff resources to assure individuals' health and safety. As a result, the frequency of OADS-delivered training is diminished. Agencies may continue to meet the 60-day training requirement using one of the following options:

- a. Case Management Supervisors may deliver PCP training to Case Managers using curricula provided by OADS. The Supervisor shall create a training certificate of attendance for the Case Manager that includes the following: Names and credentials of person providing orientation or training, dates orientation or training was provided, the length of time of each orientation or training session, and the dated signature of the trainee acknowledging receipt of the orientation or training. A copy of the certificate shall be maintained in the Case Manager's personnel/training file; or
- b. If Case Management Supervisors have assumed a caseload due to staffing shortages and are unable to deliver training under option (a), a Case Manager may undertake a self-study of the curricula provided by OADS. Completion of the curricula self-study

shall be documented in the Case Manager's personnel/training file and when OADS resumes direct delivery of PCP training, the Case Manager shall attend an in-person training session to obtain a certificate.

Resources

Executive Order 3 FY 20/21:

<https://www.maine.gov/governor/mills/sites/maine.gov/governor.mills/files/inline-files/EO%203-20-21.pdf>

COVID-19 [Emergency Person Centered Planning \(PCP\) Process](#)

COVID-19 [Person Centered Planning \(PCP\) Frequently Asked Questions \(FAQ\)](#)

Case Management Liaison Contact Information:

Ann Russell

DHHS- Office of Aging and Disability Services, Districts 1 & 2
151 Jetport Boulevard
Portland, Maine 04102
Ann.M.Russell@maine.gov

Linda Majka

DHHS-Office of Aging and Disability Services, District 1 & 2
151 Jetport Boulevard
Portland, Maine 04102
linda.majka@maine.gov

Duane Hinds

DHHS-Office of Aging and Disability Service, Districts 3, 4, 5
41 Anthony Ave, SHS#11
Augusta, Maine 04333
Duane.Hinds@maine.gov

Mary Blair

DHHS-Office of Aging and Disability Services, District 3, 4, 5
41 Anthony Ave, SHS#11
Augusta, ME 04333
Mary.Blair@maine.gov

Bonnie McLaughlin

DHHS-Office of Aging and Disability Service, Districts 3, 4, 5
200 Main St. Lewiston, Maine 04240
Bonnie.McLaughlin@maine.gov

Leslie Smith

DHHS- Office of Aging and Disability Services, District 6 & 7
19 Maine Ave
Bangor, ME 04401-3095
Leslie.Smith@maine.gov

Angela Duff

DHHS-Office of Aging and Disability Services, District 6 & 7

19 Maine Ave
Bangor, ME 04401-3095
Angela.M.Duff@maine.gov

Cheryl Guimond

DHHS- Office of Aging and Disability Services, District 8
30 Skyway Drive Unit 100
Caribou, ME 04736
Cheryl.Guimond@maine.gov