

131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1972

S.P. 806

In Senate, May 18, 2023

Resolve, to Improve Long-term Care for the People of Maine

(EMERGENCY)

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

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DAREK M. GRANT Secretary of the Senate

Presented by President JACKSON of Aroostook.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- Whereas, this legislation requires changes to certain MaineCare reimbursement rates
 and requires these changes to take effect July 1, 2023; and
- 5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 6 the meaning of the Constitution of Maine and require the following legislation as 7 immediately necessary for the preservation of the public peace, health and safety; now, 8 therefore, be it
- 9 Sec. 1. Department of Health and Human Services to rebase 10 reimbursement rates. Resolved: That, notwithstanding any provision of law to the 11 contrary, the Department of Health and Human Services shall rebase reimbursement rates, 12 effective July 1, 2023, to reflect the increased costs experienced by nursing facilities, 13 including, but not limited to, the cost of labor.
- 14 Sec. 2. Department of Health and Human Services to establish enhanced 15 reimbursement rate. Resolved: That the Department of Health and Human Services 16 shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, 17 Principles of Reimbursement for Nursing Facilities, Section 22.3.3.4 to provide that, 18 effective July 1, 2023, the upper limit on the base year case mix and regionally adjusted 19 cost per day is the median multiplied by 130%.
- Sec. 3. Department of Health and Human Services to amend its rules regarding occupancy adjustments for nursing facilities. Resolved: That the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to provide, for the state fiscal year beginning July 1, 2023, that the reduction in allowable cost per day in the fixed costs component based on minimal occupancy standards applies only for an annual level of occupancy less than 50%.
- Sec. 4. Department of Health and Human Services to amend its rules 27 regarding occupancy adjustments for certain residential care facilities. 28 29 Resolved: That the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles 30 of Reimbursement for Medical and Remedial Service Facilities and Chapter 115: Principles 31 32 of Reimbursement for Residential Care Facilities - Room and Board Costs to provide, for 33 the state fiscal year beginning July 1, 2023, that the reduction in allowable cost per day in the fixed costs component based on minimal occupancy standards applies only for an 34 35 annual level of occupancy less than 50%.
- 36 Sec. 5. Department of Health and Human Services to establish an add-on rate for nursing facilities. Resolved: That the Department of Health and Human 37 38 Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to establish, beginning July 39 40 1, 2023, an add-on rate of \$24.59 per resident day to be added to the direct care rate. The add-on rate provided in this section is in effect until rebasing occurs under the Maine 41 Revised Statutes, Title 22, section 1708, subsection 3, paragraph F and all allowable costs 42 43 are included.

1 2 3 4 5 6 7 8	Sec. 6. Department of Health and Human Services to establish an add-on rate for certain residential care facilities. Resolved: That the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities and Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs to establish, beginning July 1, 2023, an add-on rate of \$36.16 per resident day to be added to the direct care rate. The add-on rate provided in this section is in effect until rebasing occurs and all allowable costs are included.		
9 10 11 12 13 14 15	Sec. 7. Department of Health and Human Services to disburse funding for add-on rates. Resolved: That the Department of Health and Human Services shall fully fund the add-on rates required by sections 5 and 6 from existing resources available due to low occupancy of long-term care facilities that resulted in the department's not fully using the total funds appropriated and allocated for long-term care facilities. If existing resources are not sufficient to fully fund the add-on rates required by sections 5 and 6, the department shall complete a rebasing before the next statutorily required rebasing.		
16 17	Sec. 8. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.		
18	HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
19	Medical Care - Payments to Providers 0147		
20 21 22	Initiative: Provides ongoing funding for a high MaineCare utilization add-on payment to private nonmedical institutions that care for residents who are older or disabled, or PNMI-Cs.		
23 24 25	GENERAL FUND All Other	2023-24 \$2,427,500	2024-25 \$2,427,500
26 27	GENERAL FUND TOTAL	\$2,427,500	\$2,427,500
28 29 30	OTHER SPECIAL REVENUE FUNDS All Other	2023-24 \$319,149	2024-25 \$319,149
31	OTHER SPECIAL REVENUE FUNDS TOTAL	\$319,149	\$319,149
32 33	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.		
34	SUMMARY		
35 36	This resolve directs the Department of Health and Human Services to amend its rules to provide:		
37 38 39	1. For the state fiscal year beginning July 1, 2023, that the reduction in allowable cost for low occupancy applies only for an annual level of occupancy less than 50% in nursing facilities and so-called Appendix C private nonmedical institutions;		
40 41	2. Beginning July 1, 2023, add-on rates to the direct care rates for nursing homes and so-called Appendix C private nonmedical institutions; and		

- 1 3. Effective July 1, 2023, the upper limit on the base year case mix and regionally 2 adjusted cost per day is the median multiplied by 130%.
- The resolve requires the Department of Health and Human Services to rebase reimbursement rates, effective July 1, 2023, to reflect the increased costs experienced by nursing facilities.
- 6 The resolve also provides ongoing funding for a high MaineCare utilization add-on 7 payment to private nonmedical institutions that care for residents who are older or disabled, 8 or PNMI-Cs.