

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services and Mental Health Managed Care**

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

**Sec. 1. 34-B MRSA §5432, sub-§3**, as amended by PL 1993, c. 410, Pt. CCC, §35, is further amended to read:

**3. Rules.** Adopt rules, according to the Maine Administrative Procedure Act, Title 5, chapter 375, relating to the administration of the services authorized by this article and adopt nonemergency major substantive rules, according to Title 5, chapter 375, subchapter 2-A, relating to rate setting pursuant to Public Law 2005, chapter 12, Part BBBB and Public Law 2005, chapter 519, Part CCC.

**Sec. 2. Methodology for provider rate setting under the mental retardation waiver.** In implementing the pilot program and subsequent rate setting for all providers under the mental retardation waiver as required by Public Law 2005, chapter 519, Part CCC, the Department of Health and Human Services shall develop a methodology that includes:

1. Plans to allocate resources based on uniform standards for assessing the service needs of each person receiving services pursuant to the Maine Revised Statutes, Title 34-B, chapter 5, subchapter 3, article 2;
2. Adjustments for regional housing cost variations as determined for each of Maine's 31 labor market areas;
3. Employee-related expenses defined to incorporate staff turnover and retention costs;
4. Operation expenses defined to incorporate administrative overhead, licensing costs and costs related to ensuring the health and safety of persons receiving services pursuant to Title 34-B, chapter 5, subchapter 3, article 2; and
5. Transportation costs.

**Sec. 3. Rulemaking for managed behavioral health care services system.** All rules adopted by the Department of Health and Human Services in implementing managed behavioral health care services pursuant to Public Law 2005, chapter 457, Part PP; Public Law 2005, chapter 519, Part ZZZ; and Resolve 2005, chapter 203, must be nonemergency major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

### **SUMMARY**

This bill requires the Department of Health and Human Services to adopt nonemergency major substantive rules for rate setting for providers of mental retardation community services. The bill requires the department, in implementing the pilot program and subsequent rate setting for all providers under the mental retardation waiver, to establish methodology that includes resource allocation plans based

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on uniform standards for assessing the service needs of each person receiving services, adjustments for regional housing cost variations, employee-related expenses, operation expenses and transportation costs. It requires the department to adopt nonemergency major substantive rules for implementing managed behavioral health care services.