

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

Amend the bill by striking out the title and substituting the following:

**'An Act To Provide Certain Requirements for Rules
Related to Rate Setting for Mental Retardation Services'**

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the change to standardized rates for providers of care to persons with mental retardation under the waiver will have a significant impact on the system; and

Whereas, rulemaking for provider rate setting is an important process and the Legislature should be involved in this process; and

Whereas, rulemaking for provider rate setting is currently in progress and could be complete before this legislation goes into effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in section 1 in subsection 3 in the 3rd line (page 1, line 6 in L.D.) by striking out the following: "nonemergency"

Amend the bill by striking out all of sections 2 and 3 and inserting the following:

'Sec. 2. Rules. The Department of Health and Human Services is authorized to adopt major substantive rules on an emergency basis during calendar year 2007 with regard to rate setting for providers of services to persons with mental retardation.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

The amendment removes the section pertaining to a methodology for provider rate setting under the mental retardation waiver and the section pertaining to rulemaking for managed behavioral health care services. It retains the section that requires the rules for the standardization of rates for providers of care to persons with mental retardation under the waiver to be major substantive rules and makes the legislation an emergency so that it will go into effect upon enactment and approval by the Governor.

The amendment removes from the bill the restriction that major substantive rules adopted by the Department of Health and Human Services with regard to rate setting for providers of services to persons with mental retardation be nonemergency rules.

The amendment adds to the bill authorization to the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007.

FISCAL NOTE REQUIRED
(See attached)