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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 140, L.D. 177, “Resolve, To Improve Access to Bariatric Care”

Amend the resolve by striking out everything after the title and inserting 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, this resolve requires the Department of Health and Human Services to develop a plan to provide up to 16 bariatric care beds in the State; and

Whereas, in developing the plan, the Department of Health and Human Services must begin the process of issuing a request for information before the 90-day period expires; 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, be it

Sec. 1. Department of Health and Human Services to develop a plan for specialized bariatric care beds. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall develop a plan, by September 1, 2020, to provide up to 16 bariatric care beds in the State to serve individuals who are eligible for long-term care and need bariatric care. In developing the plan, the department shall do the following.

1. No later than August 31, 2019, the department shall issue a request for information to determine potential providers of nursing facility bariatric care beds. Potential providers must include behavioral health technology partners to provide appropriate behavioral health services to residents occupying bariatric care beds.

2. No later than October 31, 2019, the department shall review the responses to the request for information to inform the proposed amendment to rule Chapter 101:

COMMITTEE AMENDMENT

1 MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for
2 Nursing Facilities with respect to bariatric care beds.

3 3. No later than December 31, 2019, the department shall adopt rules with rate
4 changes that build upon the resource utilization group system designed to capture the
5 clinical intensity needs of residents occupying bariatric care beds. The rules must include
6 appropriate body mass index requirements, an enhanced rate of reimbursement to nursing
7 facilities for residents occupying bariatric care beds and up to 30 bed hold days for
8 bariatric care residents experiencing hospitalization. The rules must also include direct
9 billing to the department by providers of durable medical equipment, transportation and
10 behavioral health services. Rules adopted pursuant to this section are routine technical
11 rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

12 4. No later than March 30, 2020, the department shall issue a request for proposals to
13 award contracts to provide bariatric care beds.

14 5. No later than June 30, 2020, the department shall award contracts under the
15 request for proposals. Providers who are awarded contracts must offer bariatric care beds
16 to appropriate residents no later than September 1, 2020 and receive enhanced
17 reimbursement pursuant to rules adopted pursuant to subsections 2 and 3.

18 The department shall submit a report on progress, including any necessary legislation
19 to establish the bariatric care beds and any required funding, to the Joint Standing
20 Committee on Health and Human Services no later than January 1, 2020.

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

23 **SUMMARY**

24 This amendment replaces the resolve. It requires the Department of Health and
25 Human Services to develop a plan to provide up to 16 new specialized bariatric care
26 nursing facility beds by September 1, 2020. The amendment also adds an emergency
27 preamble and emergency clause.