

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 Restore Funding for Bed-hold Days at Private Nonmedical Institutions**

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

**Sec. 1. Department rules governing reimbursement for holding beds.** The Department of Health and Human Services shall amend its rules governing principles of reimbursement for residential care facilities to ensure that reimbursement covers the reasonable costs of such facilities with beds temporarily unoccupied in order to hold beds for residents for up to 45 days annually per resident for medical or therapeutic absences and up to 7 days annually for personal or family-related absences. The costs associated with reduced occupancy due to the holding of beds for additional days in each of these categories may be recognized and reimbursed with prior approval from the Department of Health and Human Services. The rules requiring modification are the department's rules Chapter 101, Chapter III, Section 97: Private Non-Medical Institution Services and Chapter 115: Principles of Reimbursement for Residential Care - Room and Board Costs. These rule-making changes must be adopted on an emergency basis, to be effective immediately upon adoption. Pending adoption of these rules, the provisions of this Act are considered to supersede any contrary provision in the department's existing rules.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

#### **Medical Care - Payments to Providers 0147**

Initiative: Notwithstanding any other provision of law, the Department of Health and Human Services shall provide funding to restore reimbursement to private nonmedical institutions for bed-hold days up to 45 days annually per resident determined to qualify for medical or therapeutic absences and up to 7 days annually for personal or family-related absences. Additional days in each of these categories may be provided with prior approval from the Department of Health and Human Services.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$513,100	\$513,100
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<b>GENERAL FUND TOTAL</b>	<b>\$513,100</b>	<b>\$513,100</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$952,900	\$952,900
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FEDERAL EXPENDITURES FUND TOTAL	\$952,900	\$952,900
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## SUMMARY

This bill provides funding to the Department of Health and Human Services to restore reimbursement to private nonmedical institutions for holding beds for up to 45 days annually for each resident determined to qualify for medical or therapeutic absences and up to 7 days annually for personal or family-related absences. Public Law 2007, chapter 539 limits the preexisting reimbursement of costs associated with holding beds by limiting the costs that would be recognized to the first 30 days per year per resident. Effective August 1, 2008, the department implemented emergency rules to deny this funding entirely under MaineCare and to continue recognizing only the portion of bed-hold costs that is reimbursed from the General Fund for the room and board portion of residential care facility costs under Chapter 115 of the department's rules and analogous guidelines for certain types of private nonmedical institutions.

This bill requires the Department of Health and Human Services to amend its MaineCare rules to restore this reimbursement and states that the provisions of this bill supersede the currently existing contrary rules. It also provides that the limit on days per resident per year is a maximum of 52 days, rather than 30, but that additional days may be approved by the department.