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An Act To Establish Long-term Memory Care Facilities and To Provide Adequate Staffing and Reimbursement

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

Sec. 1. 22 MRSA §3174-ZZ is enacted to read:

§ 3174-ZZ. Memory care facilities

Beginning January 1, 2018, the Department of Health and Human Services shall provide long-term care services in memory care facilities in accordance with standards established by the department through rulemaking to persons who qualify under section 3174-G and require assistance with activities of daily living as defined in section 1717, subsection 1, paragraph A because of cognitive impairments. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. Rulemaking. The Department of Health and Human Services shall adopt rules to implement the provisions of the Maine Revised Statutes, Title 22, section 3174-ZZ. The rules must provide that memory care facilities that provide assistance with activities of daily living to persons with memory impairments are staffed at the following patient-to-staff ratios: on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12 to 1; and on the night shift a ratio of 18 to 1. The rules must provide for rates of reimbursement for memory care facilities that provide assistance with activities of daily living to persons with memory impairments at a level that is 50% above the rates of reimbursement for the highest level of private nonmedical institutions provided by department rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97.

SUMMARY

This bill requires the Department of Health and Human Services to provide long-term care services in memory care facilities to persons who qualify under the Maine Revised Statutes, Title 22, section 3174-G and require assistance with activities of daily living because of cognitive impairments by January 1, 2018 in accordance with standards established by the department through routine technical rulemaking. The rules must provide that memory care facilities that provide assistance with activities of daily living to persons with memory impairments are staffed at the following patient-to-staff ratios: on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12 to 1; and on the night shift a ratio of 18 to 1. The rules must provide for rates of reimbursement for facilities that provide assistance with activities of daily living to persons with memory impairments at a level that is 50% above the rates of reimbursement provided for the highest level of private nonmedical institutions by MaineCare.