

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

Amend the amendment in page 2 by striking out all of the first paragraph and subsections 2 and 3 (page 2, lines 1 to 22 in amendment) and inserting the following:

Amend the bill in section 3 by striking out all of subsections 1 and 2 (page 2, lines 18 to 41 in L.D.) and inserting the following:

1. Rate increases for fiscal year 2017-18. For the state fiscal year ending June 30, 2018, an extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of Reimbursement for Nursing Facilities equal to 10% of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement, except that the allowance must be limited as provided in subsection 4. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates, except that the allowance must be limited as provided in subsection 4.

2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the completion of the rate study under subsection 3, an additional extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of Reimbursement for Nursing Facilities equal to the amount of an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and the routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement, except that the allowance must be limited as provided in subsection 4. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates, except that the allowance must be limited as provided in subsection 4.

3. Rate study. Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for nursing facilities and the rates in the rate study have been implemented.

4. Upper payment limit. The supplemental allowances provided in this section to individual facilities must be limited as necessary to ensure that aggregate payments for nursing facility services do not exceed the upper payment limit established in 42 Code of Federal Regulations, Section 447.272,

using the methods of complying with that limit set forth in section 10 of the Principles of Reimbursement for Nursing Facilities.

Amend the amendment by striking out all of section 6 and inserting the following:

‘Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Developmental Services - Community 0122

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$66,990	\$96,465
GENERAL FUND TOTAL	\$66,990	\$96,465

Long Term Care - Office of Aging and Disability Services 0420

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$929,673	\$1,421,378
GENERAL FUND TOTAL	\$929,673	\$1,421,378

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$6,405,351	\$9,585,335
GENERAL FUND TOTAL	\$6,405,351	\$9,585,335

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$30,776,608	\$47,473,310
FEDERAL EXPENDITURES FUND TOTAL	\$30,776,608	\$47,473,310

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$773,294	\$1,214,774
OTHER SPECIAL REVENUE FUNDS TOTAL	\$773,294	\$1,214,774

Nursing Facilities 0148

Initiative: Provides appropriations and allocations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$8,210,218	\$12,901,721
GENERAL FUND TOTAL	\$8,210,218	\$12,901,721

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$1,661,427	\$2,609,923
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,661,427	\$2,609,923

PNMI Room and Board Z009

Initiative: Provides appropriations for an increase to rates for certain services.

GENERAL FUND	2017-18	2018-19
All Other	\$1,031,058	\$1,619,699
GENERAL FUND TOTAL	\$1,031,058	\$1,619,699

**HEALTH AND HUMAN SERVICES, DEPARTMENT
 OF (FORMERLY DHS)**

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$16,643,290	\$25,624,598
FEDERAL EXPENDITURES FUND	\$30,776,608	\$47,473,310
OTHER SPECIAL REVENUE FUNDS	\$2,434,721	\$3,824,697
DEPARTMENT TOTAL - ALL FUNDS	\$49,854,619	\$76,922,605

SUMMARY

This amendment amends Committee Amendment "A" to limit increases for nursing facilities so as not to exceed federally established upper payment limits.

FISCAL NOTE REQUIRED

(See attached)