



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 401

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H.P. 292

House of Representatives, February 7, 2017

**An Act To Require Reimbursement to Hospitals for Patients  
Awaiting Placement in Nursing Facilities**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SIROCKI of Scarborough.  
Cosponsored by Senator LANGLEY of Hancock and  
Representatives: MALABY of Hancock, SANDERSON of Chelsea, WINSOR of Norway.

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

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

3 **§3174-ZZ. Reimbursement for days awaiting placement; reimbursement for**  
4 **hospitals other than critical access hospitals**

5 The department shall provide reimbursement to hospitals other than critical access  
6 hospitals for each day after the 10th day that a MaineCare-eligible individual is in the  
7 care of a hospital while awaiting placement in a nursing facility. The department shall  
8 reimburse hospitals prospectively at the statewide average rate per MaineCare member  
9 day for nursing facility services. The department shall compute the statewide average  
10 rate per MaineCare member day based on the simple average of the nursing facility rate  
11 per MaineCare member day for the applicable state fiscal year or years prorated for the  
12 hospital's fiscal year. Reimbursement for days awaiting placement pursuant to this  
13 section is limited to a period of 5 years and to a maximum of \$500,000 of combined  
14 General Fund funds and federal funds for each year of the 5-year period. For purposes of  
15 this section, "critical access hospital" has the same meaning as in section 7932, subsection  
16 10.

17 **Sec. 2. MaineCare Benefits Manual.** The Department of Health and Human  
18 Services shall amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter  
19 III, Section 45, Hospital Services to implement the Maine Revised Statutes, Title 22,  
20 section 3174-ZZ. Rules adopted pursuant to this section are routine technical rules as  
21 defined in Title 5, chapter 375, subchapter 2-A.

22 **SUMMARY**

23 This bill directs the Department of Health and Human Services to provide  
24 reimbursement to hospitals other than critical access hospitals for each day after the 10th  
25 day that a MaineCare-eligible individual is in the care of a hospital while awaiting  
26 placement in a nursing facility. The reimbursement is to be paid prospectively at the  
27 statewide average rate per MaineCare member day for nursing facility services. The  
28 department is directed to implement this reimbursement for days awaiting placement for a  
29 period limited to 5 years. Reimbursement is limited to a maximum of \$500,000 of  
30 combined General Fund funds and federal funds for each year of the 5-year period.