130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document  No. 1135

H.P. 813  House of Representatives, March 22, 2021

An Act Regarding Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for Those Services

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §20005, sub-§21, as amended by PL 2019, c. 524, §11, is further amended to read:

21. List of banned performance-enhancing substances. Develop and maintain a list of banned performance-enhancing substances in accordance with Title 20-A, section 6621; and

Sec. 2. 5 MRSA §20005, sub-§22, as enacted by PL 2019, c. 524, §12, is amended to read:

22. Certification of recovery residences. Establish by rule criteria for the certification of recovery residences. The criteria for the certification of recovery residences must be based on criteria for recovery residences developed by a nationally recognized organization that supports persons recovering from substance use disorder. Certification of a recovery residence pursuant to this subsection is voluntary. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A; and

Sec. 3. 5 MRSA §20005, sub-§23 is enacted to read:

23. Trauma-informed principles of care. Ensure that all substance use disorder services funded by the department conform to trauma-informed principles of care as developed by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

Sec. 4. Department of Health and Human Services to increase substance use disorder treatment reimbursement rates. No later than January 1, 2022, the Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to increase all rates of reimbursement for outpatient services for substance use disorder by 25%.

Sec. 5. Department of Health and Human Services to amend substance abuse treatment facility rules. No later than January 1, 2022, the Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix B, Principles of Reimbursement for Substance Abuse Treatment Facilities, to make the following changes:

1. Increase the rates of reimbursement for all services, except for detoxification services, by 25%; and

2. Reimburse detoxification services according to a cost-based rate methodology.

Sec. 6. Department of Health and Human Services to amend private non-medical institution services rules. No later than January 1, 2022, the Department of Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services, to make the following changes to services provided in a private non-medical institution Appendix B facility:

1. Increase the limit on the number of consecutive days allowed for a residential rehabilitation type I service to 45 days as long as the need is documented in the MaineCare member's treatment plan;
2. Increase the limit on the term of residency for a residential rehabilitation type II service to 60 days as long as the need is documented in the MaineCare member's treatment plan; and

3. Remove the limit of a single admission to halfway house services annually but retain the limit on those services to 180 days in a year.

SUMMARY

This bill includes a statutory requirement for substance use disorder treatments to comply with trauma-informed principles of care according to the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. The bill also requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to increase reimbursement for substance use disorder outpatient services by 25%; it also requires a 25% increase in reimbursement for services provided under Chapter II, Section 97, Private Non-Medical Institution Services, Appendix B, Principles of Reimbursement for Substance Abuse Treatment Facilities, except for detoxification services, and requires the methodology for reimbursement for detoxification services to be cost-based. The bill also requires the department to amend rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services, to change the limitations on the number of days for certain residential treatment services.