



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1809

H.P. 1289

House of Representatives, May 30, 2019

**Resolve, To Increase Funding for Evidence-based Therapies for
Treating Emotional and Behavioral Problems in Children**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 MADIGAN of Waterville.
Cosponsored by Representative: PERRY of Calais.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period because MaineCare reimbursement rates for evidence-based therapies for treating
5 emotional and behavioral problems in children have not been adjusted in more than 8
6 years and are insufficient to enable some providers to continue to provide services; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore, be it

11 **Sec. 1. Department of Health and Human Services to increase**
12 **MaineCare reimbursement for outpatient psychosocial treatments for**
13 **children. Resolved:** That the Department of Health and Human Services shall
14 increase reimbursement rates under rule Chapter 101: MaineCare Benefits Manual,
15 Chapters II and III, Section 65 for multisystemic therapy, multisystemic therapy for
16 problem sexualized behavior and functional family therapy by 20% for the period from
17 the effective date of this resolve to June 30, 2020.

18 **Sec. 2. Rate study. Resolved:** That the Department of Health and Human
19 Services shall contract with a 3rd party to conduct a rate study of reimbursement rates
20 under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 for
21 multisystemic therapy, multisystemic therapy for problem sexualized behavior and
22 functional family therapy. The rate study must develop a rate that is set on a per case per
23 week basis. The rate study must also take into account the costs to providers of
24 delivering the services, including additional training, and maintenance of fidelity to the
25 treatment models. The rate study must be completed no later than December 1, 2019.

26 **Sec. 3. Report. Resolved:** That the Department of Health and Human Services
27 shall submit a report to the Joint Standing Committee on Health and Human Services
28 with the findings of the rate study conducted pursuant to section 2 no later than January
29 30, 2020.

30 **Sec. 4. Rulemaking. Resolved:** That the Department of Health and Human
31 Services is authorized to adopt rules to implement new rates developed pursuant to the
32 rate study in section 2 as long as those rates are no lower than the rates of reimbursement
33 that exist on April 1, 2019 and the federal Department of Health and Human Services,
34 Centers for Medicare and Medicaid Services approves the reimbursement rates. Rules
35 adopted pursuant to this section are routine technical rules as defined in the Maine
36 Revised Statutes, Title 5, chapter 375, subchapter 2-A.

37 **Emergency clause.** In view of the emergency cited in the preamble, this
38 legislation takes effect when approved.

1

SUMMARY

2 This resolve requires the Department of Health and Human Services to increase
3 reimbursement rates for multisystemic therapy, multisystemic therapy for problem
4 sexualized behavior and functional family therapy by 20% until June 30, 2020. It
5 requires the department to contract for a 3rd-party rate study of the reimbursement rates
6 for those therapies, including developing a rate set on a per case per week basis rather
7 than the current 15-minute increments. The rate study must also take into account the
8 costs to providers of delivering the services, including additional training, and
9 maintenance of fidelity to the treatment models. The rate study must be completed no
10 later than December 1, 2019. The department must submit a report on the results of the
11 study to the Joint Standing Committee on Health and Human Services no later than
12 January 30, 2020. The department is authorized to implement new rates through
13 rulemaking as long as the rates are no lower than those that exist on April 1, 2019 and the
14 rates are approved by the federal Department of Health and Human Services, Centers for
15 Medicare and Medicaid Services.