

132nd MAINE LEGISLATURE

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Legislative Document

No. 563

S.P. 242

In Senate, February 25, 2025

Resolve, Directing the Department of Health and Human Services to Apply for a Waiver from the Federal Government for the Medicaid Limitation on Payment to a Facility with More than 16 Inpatient Beds for Psychiatric Treatment

Received by the Secretary of the Senate on February 19, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator BALDACCI of Penobscot. Cosponsored by Senator BENNETT of Oxford.

Sec. 1. Application for waiver from institutions for mental disease exclusion. Resolved: That, within 9 months of the effective date of this resolve, the Department of Health and Human Services shall apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver of the prohibition, as described in 42 Code of Federal Regulations, Section 435.1009, against the provision of Medicaid-covered services to individuals who are inpatients in a hospital, nursing facility or other institution with more than 16 beds that is primarily engaged in providing diagnosis, treatment or care to persons with mental disease.

Sec. 2. Report by department. Resolved: That the Department of Health and Human Services shall inform the joint standing committee of the Legislature having jurisdiction over health and human services matters when it submits to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services the waiver application required by section 1. The department shall also, by January 1, 2027, report on the status of the waiver request and its implementation of any services provided pursuant to authorities granted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

18 SUMMARY

This resolve requires the Department of Health and Human Services, within 9 months of the effective date of this resolve, to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver of the prohibition against the provision of Medicaid-covered services to individuals who are inpatients in a hospital, nursing facility or other institution with more than 16 beds that is primarily engaged in providing diagnosis, treatment or care to persons with mental disease. The resolve also requires the department to inform the joint standing committee of the Legislature having jurisdiction over health and human services matters of its submission of the waiver application and to report to the joint standing committee, by January 1, 2027, on the status of the waiver request and its implementation of any services provided pursuant to authorities granted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.