



128th MAINE LEGISLATURE

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Legislative Document

No. 804

S.P. 249

In Senate, March 2, 2017

**An Act To Establish Long-term Memory Care Facilities and To
Provide Adequate Staffing and Reimbursement**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative HYMANSON of York and
Senator: BRAKEY of Androscoggin.

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. Memory care facilities**

4 Beginning January 1, 2018, the Department of Health and Human Services shall
5 provide long-term care services in memory care facilities in accordance with standards
6 established by the department through rulemaking to persons who qualify under section
7 3174-G and require assistance with activities of daily living as defined in section 1717,
8 subsection 1, paragraph A because of cognitive impairments. Rules adopted pursuant to
9 this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

10 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall adopt
11 rules to implement the provisions of the Maine Revised Statutes, Title 22, section
12 3174-ZZ. The rules must provide that memory care facilities that provide assistance with
13 activities of daily living to persons with memory impairments are staffed at the following
14 patient-to-staff ratios: on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12
15 to 1; and on the night shift a ratio of 18 to 1. The rules must provide for rates of
16 reimbursement for memory care facilities that provide assistance with activities of daily
17 living to persons with memory impairments at a level that is 50% above the rates of
18 reimbursement for the highest level of private nonmedical institutions provided by
19 department rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97.

20 **SUMMARY**

21 This bill requires the Department of Health and Human Services to provide long-term
22 care services in memory care facilities to persons who qualify under the Maine Revised
23 Statutes, Title 22, section 3174-G and require assistance with activities of daily living
24 because of cognitive impairments by January 1, 2018 in accordance with standards
25 established by the department through routine technical rulemaking. The rules must
26 provide that memory care facilities that provide assistance with activities of daily living
27 to persons with memory impairments are staffed at the following patient-to-staff ratios:
28 on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12 to 1; and on the night
29 shift a ratio of 18 to 1. The rules must provide for rates of reimbursement for facilities
30 that provide assistance with activities of daily living to persons with memory impairments
31 at a level that is 50% above the rates of reimbursement provided for the highest level of
32 private nonmedical institutions by MaineCare.