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S.P. 354

In Senate, March 4, 2025

An Act Regarding Children with Behavioral Health Needs Awaiting Placement in Residential Care Facilities

(EMERGENCY)

Received by the Secretary of the Senate on February 27, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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,** the Department of Health and Human Services is required to ensure the
4 operation of a psychiatric residential treatment facility as soon as possible and prior to 90
5 days after adjournment; and

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

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

11 **Sec. 1. 22 MRSA §3174-PPP** is enacted to read:

12 **§3174-PPP. Reimbursement for hospitals other than critical access hospitals for days**
13 **awaiting placement**

14 Beginning January 1, 2026, the department shall provide reimbursement to hospitals,
15 other than critical access hospitals, for each day that a MaineCare eligible individual under
16 19 years of age is in the care of a hospital while awaiting placement in a children's
17 residential care facility as defined in section 8101, subsection 4. The department shall
18 reimburse hospitals prospectively at the average daily rate for a MaineCare member at a
19 children's residential care facility. For the purposes of this section, "critical access hospital"
20 has the same meaning as in section 7932, subsection 10.

21 **Sec. 2. 34-B MRSA §15003, sub-§9-A** is enacted to read:

22 **9-A. Monthly data report.** Beginning November 1, 2025, the department shall
23 submit a monthly report to the joint standing committee of the Legislature having
24 jurisdiction over health and human services matters with the total number of children in a
25 hospital emergency room who stayed in that hospital emergency room longer than 48 hours
26 after they no longer needed a hospital level of care. The report must also provide the
27 following data breakdown for the children in the report:

28 A. The number of children under 12 years of age;

29 B. The number of children who have entered the hospital emergency room directly
30 from a residential setting, including, but not limited to, a children's home as defined in
31 Title 22, section 8101, subsection 1, a children's residential care facility as defined in
32 Title 22, section 8101, subsection 4 or another hospital;

33 C. The number of children who are experiencing homelessness; and

34 D. The services needed that are unavailable, causing the children to remain in the
35 hospital emergency room.

36 **Sec. 3. Hospital reimbursement rules.** The Department of Health and Human
37 Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III,
38 Section 45, Hospital Services to implement the Maine Revised Statutes, Title 22, section
39 3174-PPP. Rules adopted pursuant to this section are routine technical rules as defined in
40 Title 5, chapter 375, subchapter 2-A.

1 human services matters on the number of children who are in a hospital emergency room
2 awaiting placement. The report must also include the number of children under 12 years
3 of age, the number of children who have come from another residential setting or hospital,
4 the number of children who are experiencing homelessness and the services the children
5 are waiting for.

6 The bill also requires the department to provide to the joint standing committee of the
7 Legislature having jurisdiction over health and human services matters the de-identified
8 data provided to the independent reviewer to settle the lawsuit filed by the United States
9 Department of Justice no later than 30 days after that data is provided to the reviewer.