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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 57, L.D. 63, “Resolve, To Require the Department of Health and Human Services To Provide Supplemental Reimbursement to Adult Family Care Homes and Residential Care Facilities in Remote Island Locations”

Amend the resolve by inserting before section 1 the following:

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

Whereas, residents of adult family care homes and residential care facilities in remote island locations should be allowed to age in place with familiar caregivers; and

Whereas, current MaineCare reimbursement to adult family care homes and residential care facilities in remote island locations does not take into account higher prices on islands compared to the mainland; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to preserve existing caregiver arrangements; and

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

Amend the resolve in section 1 in the 2nd line (page 1, line 2 in L.D.) by inserting after the following: "That" the following: ', by October 1, 2015,'

Amend the resolve in section 1 in the last line (page 1, line 13 in L.D.) by inserting after the following: "rules." the following: 'The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 as necessary to implement this section without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare; and be it further'

Amend the resolve by adding before the summary the following:

COMMITTEE AMENDMENT

1 **Sec. 2. Medicaid state plan amendment. Resolved:** That the Department of
 2 Health and Human Services shall prepare and submit a Medicaid state plan amendment to
 3 the United States Department of Health and Human Services, Centers for Medicare and
 4 Medicaid Services that provides for supplemental reimbursement to adult family care
 5 homes and residential care facilities in remote island locations pursuant to section 1.

6 **Sec. 3. Appropriations and allocations. Resolved:** That the following
 7 appropriations and allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

9 **Medical Care - Payments to Providers 0147**

10 Initiative: Allocates the service provider tax received due to the 15% supplemental
 11 MaineCare reimbursement for both adult family care services and private nonmedical
 12 institution services in remote island locations and deappropriates a corresponding amount
 13 from the General Fund.

14	GENERAL FUND	2015-16	2016-17
15	All Other	(\$2,240)	(\$3,361)
16			
17	GENERAL FUND TOTAL	<u>(\$2,240)</u>	<u>(\$3,361)</u>

18	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
19	All Other	\$2,240	\$3,361
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,240</u>	<u>\$3,361</u>

22 **Medical Care - Payments to Providers 0147**

23 Initiative: Appropriates funds and allocates federal matching money to the Department of
 24 Health and Human Services to increase MaineCare reimbursement by an additional 15%
 25 to adult family care homes and residential care facilities in remote island locations.

26	GENERAL FUND	2015-16	2016-17
27	All Other	\$14,922	\$22,382
28			
29	GENERAL FUND TOTAL	<u>\$14,922</u>	<u>\$22,382</u>

30	FEDERAL EXPENDITURES FUND	2015-16	2016-17
31	All Other	\$25,051	\$37,576
32			
33	FEDERAL EXPENDITURES FUND TOTAL	<u>\$25,051</u>	<u>\$37,576</u>

34 **PNMI Room and Board Z009**

1 Initiative: Provides funds to the Department of Health and Human Services to increase
 2 MaineCare reimbursement by an additional 15% to adult family care homes and
 3 residential care facilities in remote island locations.

4	GENERAL FUND	2015-16	2016-17
5	All Other	\$4,837	\$7,256
6			
7	GENERAL FUND TOTAL	<u>\$4,837</u>	<u>\$7,256</u>

8	HEALTH AND HUMAN SERVICES,		
9	DEPARTMENT OF (FORMERLY DHS)		
10	DEPARTMENT TOTALS	2015-16	2016-17
11			
12	GENERAL FUND	\$17,519	\$26,277
13	FEDERAL EXPENDITURES FUND	\$25,051	\$37,576
14	OTHER SPECIAL REVENUE FUNDS	\$2,240	\$3,361
15			
16	DEPARTMENT TOTAL - ALL FUNDS	<u>\$44,809</u>	<u>\$67,214</u>

17 **Emergency clause.** In view of the emergency cited in the preamble, this
 18 legislation takes effect when approved.'

19 **SUMMARY**

20 This amendment makes the following changes to the resolve.

- 21 1. It adds an emergency preamble and emergency clause.
- 22 2. It requires the Department of Health and Human Services to amend its rules to
 23 provide supplemental reimbursement to adult family care homes and residential care
 24 facilities in remote island locations in the resolve by October 1, 2015.
- 25 3. It allows the Department of Health and Human Services to adopt the rules as an
 26 emergency without the necessity of demonstrating that immediate adoption is necessary
 27 to avoid a threat to public health, safety or general welfare.
- 28 4. It requires the Department of Health and Human Services to submit a state plan
 29 amendment to the United States Department of Health and Human Services, Centers for
 30 Medicare and Medicaid Services to allow for the supplemental reimbursement.
- 31 5. It also adds an appropriations and allocations section to the resolve.