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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 841, L.D. 1205, “Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services”

Amend the resolve in section 1 in the last line (page 1, line 20 in L.D.) by striking out the following: "authorized." and inserting the following: 'authorized only if:'

Amend the resolve in section 1 by inserting at the end the following:

- '1. In Section 1050 of the rule, the definition of "per diem" is changed to:
 - A. Remove the proposed requirement that a provider bill only for days on which a member is receiving per diem home support at 11:59 p.m.;
 - B. Clarify that there is no requirement that a provider bill only for days on which a member is physically present in the home at 11:59 p.m.; and
 - C. Clarify that on days when a member is transitioning between providers of home support, only the provider providing home support services at 11:59 p.m. may bill for home support; and

2. In Section 2000 of the rule, relating to audit of services provided, the proposed change in the documentation requirement for staffing schedules is removed so that the documentation requirement remains as it is in current rules, which require documentation showing the hours and the name of the direct staff scheduled to work at the facility.'

SUMMARY

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule, only if the rule is modified.

COMMITTEE AMENDMENT

1 The first required modification is the removal of the requirement that a provider bill
2 only for days on which a member is receiving per diem home support at 11:59 p.m. The
3 rule must also clarify that there is no requirement that a provider bill only for days on
4 which a member is physically present in the home at 11:59, to account for times when the
5 member may be temporarily away from the home, for instance on a family visit. The
6 modification must also clarify that on days when a member is transitioning between
7 providers of home support, only the provider providing home support at 11:59 may bill
8 for home support.

9 The 2nd required modification relates to documentation for the audit of services
10 provided. The proposed rule requires documentation showing the hours and the name of
11 the direct staff scheduled to work with the member. The required modification returns
12 the rule to the current requirement that documentation show the hours and the name of
13 the direct staff scheduled to work at the facility.