

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 833 - L.D. 1189

Resolve, Regarding Implementation of Cost-of-living Increases for Nursing Facilities

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

Whereas, Public Law 2011, chapter 411 requires that funds received from an increased provider tax be applied to provide cost-of-living reimbursement to nursing homes and to medical and remedial private nonmedical institutions in accordance with rules adopted by the Department of Health and Human Services; and

Whereas, this legislation specifies that for the first year such an adjustment is made, reimbursement may be made to facilities that provided a cost-of-living increase to its frontline employees in certain prior years; and

Whereas, in order to ensure this legislation is enacted in sufficient time to apply to the first year such an adjustment is made, it must be enacted as an emergency measure; 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

Sec. 1. Cost-of-living adjustment rules for fiscal year ending 2012.

Resolved: That the Department of Health and Human Services shall amend its rules regarding the cost-of-living adjustment required pursuant to the Maine Revised Statutes, Title 22, section 1708, subsection 3, paragraph E as provided in this section. The rules must contain an annual inflation adjustment that, with regard to the cost-of-living adjustment for a nursing facility for its fiscal year ending in 2012, if the nursing facility would receive a downward adjustment in its otherwise applicable cost-of-living adjustment effective October 1, 2011 as a result of a finding by the department that it did not provide a wage increase to frontline employees as required by rule. The rules must provide for full payment if the nursing facility demonstrates to the satisfaction of the department by its first fiscal year ending after July 1, 2013 that the facility granted an

equivalent wage increase since the previous cost-of-living adjustment. This section applies only to the extent approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Notwithstanding any provision of law to the contrary, the rules may be adopted on an emergency basis. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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