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Date: (Filing No. H-)

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

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 512, L.D. 1466, Bill, “An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues”

Amend the amendment in page 2 by striking out all of the first paragraph and subsections 2 and 3 (page 2, lines 1 to 22 in amendment) and inserting the following:

'Amend the bill in section 3 by striking out all of subsections 1 and 2 (page 2, lines 18 to 41 in L.D.) and inserting the following:

1. Rate increases for fiscal year 2017-18. For the state fiscal year ending June 30, 2018, an extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of Reimbursement for Nursing Facilities equal to 10% of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement, except that the allowance must be limited as provided in subsection 4. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates, except that the allowance must be limited as provided in subsection 4.

2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the completion of the rate study under subsection 3, an additional extraordinary circumstance supplemental allowance must be made as required by section 34 of the Principles of Reimbursement for Nursing Facilities equal to the amount of an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and the routine care cost component. This supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or

HOUSE AMENDMENT

1 limits on reimbursement, except that the allowance must be limited as provided in
 2 subsection 4. This supplemental allowance must also be allowed and paid at final audit to
 3 the full extent that the facility has reported increased costs for wages and wage-related
 4 benefits, notwithstanding any otherwise applicable caps or limits on reimbursement,
 5 including without limitation the amount of the supplemental allowance added to
 6 prospective payment rates, except that the allowance must be limited as provided in
 7 subsection 4.

8 **3. Rate study.** Cost-of-living increases as described in subsection 2 must continue
 9 on an annual basis until the Department of Health and Human Services has completed a
 10 rate study conducted by a 3rd party, including participation of providers, for nursing
 11 facilities and the rates in the rate study have been implemented.

12 **4. Upper payment limit.** The supplemental allowances provided in this section to
 13 individual facilities must be limited as necessary to ensure that aggregate payments for
 14 nursing facility services do not exceed the upper payment limit established in 42 Code of
 15 Federal Regulations, Section 447.272, using the methods of complying with that limit set
 16 forth in section 10 of the Principles of Reimbursement for Nursing Facilities.' '

17 Amend the amendment by striking out all of section 6 and inserting the following:

18 **'Sec. 6. Appropriations and allocations.** The following appropriations and
 19 allocations are made.

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

21 **Developmental Services - Community 0122**

22 Initiative: Provides appropriations for an increase to rates for certain services.

23	GENERAL FUND	2017-18	2018-19
24	All Other	\$66,990	\$96,465
25			
26	GENERAL FUND TOTAL	<u>\$66,990</u>	<u>\$96,465</u>

27 **Long Term Care - Office of Aging and Disability Services 0420**

28 Initiative: Provides appropriations for an increase to rates for certain services.

29	GENERAL FUND	2017-18	2018-19
30	All Other	\$929,673	\$1,421,378
31			
32	GENERAL FUND TOTAL	<u>\$929,673</u>	<u>\$1,421,378</u>

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

34 Initiative: Provides appropriations and allocations for an increase to rates for certain
 35 services.

1	GENERAL FUND	2017-18	2018-19
2	All Other	\$6,405,351	\$9,585,335
3			
4	GENERAL FUND TOTAL	<u>\$6,405,351</u>	<u>\$9,585,335</u>
5	FEDERAL EXPENDITURES FUND	2017-18	2018-19
6	All Other	\$30,776,608	\$47,473,310
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$30,776,608</u>	<u>\$47,473,310</u>
9	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
10	All Other	\$773,294	\$1,214,774
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$773,294</u>	<u>\$1,214,774</u>
13	Nursing Facilities 0148		
14	Initiative: Provides appropriations and allocations for an increase to rates for certain		
15	services.		
16	GENERAL FUND	2017-18	2018-19
17	All Other	\$8,210,218	\$12,901,721
18			
19	GENERAL FUND TOTAL	<u>\$8,210,218</u>	<u>\$12,901,721</u>
20	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
21	All Other	\$1,661,427	\$2,609,923
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,661,427</u>	<u>\$2,609,923</u>
24	PNMI Room and Board Z009		
25	Initiative: Provides appropriations for an increase to rates for certain services.		
26	GENERAL FUND	2017-18	2018-19
27	All Other	\$1,031,058	\$1,619,699
28			
29	GENERAL FUND TOTAL	<u>\$1,031,058</u>	<u>\$1,619,699</u>

1	HEALTH AND HUMAN SERVICES,		
2	DEPARTMENT OF (FORMERLY DHS)		
3	DEPARTMENT TOTALS	2017-18	2018-19
4			
5	GENERAL FUND	\$16,643,290	\$25,624,598
6	FEDERAL EXPENDITURES FUND	\$30,776,608	\$47,473,310
7	OTHER SPECIAL REVENUE FUNDS	\$2,434,721	\$3,824,697
8			
9	DEPARTMENT TOTAL - ALL FUNDS	\$49,854,619	\$76,922,605
10			

11 **SUMMARY**

12 This amendment amends Committee Amendment "A" to limit increases for nursing
13 facilities so as not to exceed federally established upper payment limits.

14 **FISCAL NOTE REQUIRED**

15 (See attached)

16 SPONSORED BY: _____

17 (Representative PERRY)

18 TOWN: Calais

HOUSE AMENDMENT