

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 652 - L.D. 924

An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

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

Whereas, this Act repeals Public Law 2017, chapter 284, Part V, section 2, which requires the State Controller to take action on or immediately after July 1, 2018; 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 enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 22 MRSA §3195 is enacted to read:

§3195. Compensation for care provided to persons with intellectual disabilities or autism

1. Reimbursement. The department shall reimburse services provided to MaineCare member adults with intellectual disabilities or autism under a waiver granted by the federal Centers for Medicare and Medicaid Services for home-based and community-based care on the basis of rates and a methodology established by major substantive rulemaking. The department shall, at least every 2 years, conduct a substantive review of the rates set under this section. The review must provide for public comment. This section applies to all funds, including federal funds, paid by any agency of the State to a provider for care covered by the waiver.

2. Rulemaking. The department shall adopt rules providing reimbursement rates under this section that take into account the costs of providing care and services in

conformity with applicable state and federal laws, rules, regulations and quality and safety standards and local competitive wage markets.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-2. Immediate rate increases. The Department of Health and Human Services shall increase reimbursement rates in accordance with this section, effective July 1, 2018.

1. Section 21 rules. The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21:

- A. T2017 home support;
- B. T2017 SC home support with medical add-on;
- C. T2017 GT home support - remote support;
- D. T2016 agency home support;
- E. T2016 agency home support over 168 hours;
- F. T2016 SC agency home support with medical add-on;
- G. S5140 shared living foster care, adult, one member;
- H. S5140 TG shared living foster care, adult, one member, increased level of support;
- I. S5140 UN shared living foster care, adult, 2 members;
- J. S5140 UN TG shared living foster care, adult, 2 members, increased level of support;
- K. T2021 community support;
- L. T2021 SC community support with medical add-on;
- M. T2015 career planning;
- N. T2019 employment specialist services;
- O. T2019 SC employment specialist services with medical add-on;
- P. H2023 work support, individual;
- Q. H2023 SC work support with medical add-on;
- R. H2023 UN work support, group, 2 members;
- S. H2023 UP work support, group, 3 members;
- T. H2023 UQ work support, group, 4 members;
- U. H2023 UR work support, group, 5 members;
- V. H2023 US work support, group, 6 members;

- W. T2034 crisis intervention services;
- X. T2016 U5 home support, family-centered support, one member;
- Y. T2016 TG U5 home support, family-centered support, one member, increased level of support;
- Z. T2016 UN U5 home support, family-centered support, 2 members;
- AA. T2016 UN TG U5 home support, family-centered support, 2 members, increased level of support;
- BB. T2016 UP U5 home support, family-centered support, 3 members;
- CC. T2016 UP TG U5 home support, family-centered support, 3 members, increased level of support;
- DD. T2016 UQ U5 home support, family-centered support, 4 members;
- EE. T2016 UQ TG U5 home support, family-centered support, 4 members, increased level of support;
- FF. T2016 UR U5 home support, family-centered support, 5 or more members; and
- GG. T2016 UR TG U5 home support, family-centered support, 5 or more members, increased level of support.

2. Section 29 rules. The Department of Health and Human Services shall amend its rules to increase reimbursement rates above the rates in effect on the effective date of this Part for the following procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29:

- A. T2017 home support, 1/4 hour;
- B. T2017 GT home support, remote support;
- C. T2021 community support;
- D. T2021 SC community support with medical add-on;
- E. T2019 employment specialist services;
- F. T2019 SC employment specialist services with medical add-on;
- G. H2023 work support, individual;
- H. H2023 SC work support - supported employment with medical add-on;
- I. H2023 UN work support, group, 2 members;
- J. H2023 UP work support, group, 3 members;
- K. H2023 UQ work support, group, 4 members;
- L. H2023 UR work support, group, 5 members;
- M. H2023 US work support, group, 6 members;
- N. T2015 career planning;
- O. S5150 respite, 1/4 hour;

- P. S5151 respite, per diem;
- Q. S5140 shared living foster care, adult, one member; and
- R. S5140 UN shared living foster care, adult, 2 members.

3. Proportional increase. The increase in rates for the procedure codes specified in subsection 1 and subsection 2 must be accomplished in equal proportion using the funding provided for that purpose in this Part.

4. Major substantive rules. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. A-3. Savings efforts. The Department of Health and Human Services and representatives of organizations of providers of community support services for individuals with intellectual disabilities and autism shall examine current reimbursement rates, costs of providing services, labor costs and administrative overhead costs to determine opportunities for efficiencies and savings. The department and providers shall present a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings no later than January 1, 2019.

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Developmental Services Waiver - MaineCare Z211

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$20,100,152
GENERAL FUND TOTAL	\$0	\$20,100,152

Developmental Services Waiver - Supports Z212

Initiative: Provides appropriations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,718,540
GENERAL FUND TOTAL	\$0	\$2,718,540

Medicaid Services - Developmental Services Z210

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$4,644,239
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$4,644,239</u>

Medical Care - Payments to Providers 0147

Initiative: Provides allocations to increase the rates provided for home-based and community-based care for individuals with intellectual disabilities or autism.

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$49,941,047
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$49,941,047</u>

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2017-18	2018-19
GENERAL FUND	\$0	\$22,818,692
FEDERAL EXPENDITURES FUND	\$0	\$49,941,047
OTHER SPECIAL REVENUE FUNDS	\$0	\$4,644,239
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$77,403,978</u>

PART B

Sec. B-1. Reimbursement for personal care and related services. The Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under Chapter 101: MaineCare Benefits Manual, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. B-2. Deadline for increase established. The Department of Health and Human Services shall increase the reimbursement rates in accordance with section 1 of this Part, effective July 1, 2018.

Sec. B-3. Adjustment of monetary caps. The Department of Health and Human Services shall ensure that caps and limitations on home-based and community-

based services are increased to reflect increases in reimbursement rates that result from this Part. A recipient of services may not experience a reduction in hours solely as a result of increased reimbursement.

Sec. B-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Long Term Care - Office of Aging and Disability Services 0420

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$884,176
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$884,176</u>

Medical Care - Payments to Providers 0147

Initiative: Provides funding to increase rates for certain services effective July 1, 2018.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,775,557
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,775,557</u>

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$5,007,833
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$5,007,833</u>

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2017-18	2018-19
GENERAL FUND	\$0	\$3,659,733
FEDERAL EXPENDITURES FUND	\$0	\$5,007,833
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$8,667,566</u>

PART C

Sec. C-1. PL 2017, c. 284, Pt. V, §2 is repealed.

Sec. C-2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jails Operation Fund Z227

Initiative: Appropriates funds for the County Jails Operation Fund program.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$12,202,104
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$12,202,104</u>

Reserve for County Jail Operations N266

Initiative: Deallocates funds for county jail operations.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Unallocated	\$0	(\$12,202,104)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$12,202,104)</u>

**CORRECTIONS, DEPARTMENT OF
DEPARTMENT TOTALS**

	2017-18	2018-19
GENERAL FUND	\$0	\$12,202,104
OTHER SPECIAL REVENUE FUNDS	\$0	(\$12,202,104)
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

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