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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 by inserting after the title the following:

'Amend the bill by striking out all of the emergency preamble.'

Amend the amendment on 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

HOUSE AMENDMENT

1 is attributable to wages and wage-related benefits in both the direct care cost component
 2 and the routine care cost component. This supplemental allowance must be provided as
 3 part of each facility's prospective rate, notwithstanding any otherwise applicable caps or
 4 limits on reimbursement, except that the allowance must be limited as provided in
 5 subsection 4. This supplemental allowance must also be allowed and paid at final audit to
 6 the full extent that the facility has reported increased costs for wages and wage-related
 7 benefits, notwithstanding any otherwise applicable caps or limits on reimbursement,
 8 including without limitation the amount of the supplemental allowance added to
 9 prospective payment rates, except that the allowance must be limited as provided in
 10 subsection 4.

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

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

20 Amend the amendment on page 3 in the first paragraph in the last line (page 3, line 2
 21 in amendment) by inserting after the following: "October 15" the following: ', 2017'

22 Amend the amendment on page 3 in the first paragraph in the last line (page 3, line 2
 23 in amendment) by striking out the following: "December 2" and inserting the following:
 24 'February 1, 2018'

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

26 '**Sec. 6. Appropriations and allocations.** The following appropriations and
 27 allocations are made.

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

29 **Developmental Services - Community 0122**

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

31	GENERAL FUND	2017-18	2018-19
32	All Other	\$50,242	\$96,465
33			
34	GENERAL FUND TOTAL	\$50,242	\$96,465

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

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

1	GENERAL FUND	2017-18	2018-19
2	All Other	\$697,255	\$1,421,378
3			
4	GENERAL FUND TOTAL	<u>\$697,255</u>	<u>\$1,421,378</u>

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

6 Initiative: Provides appropriations and allocations for an increase to rates for certain
7 services.

8	GENERAL FUND	2017-18	2018-19
9	All Other	\$4,804,013	\$9,585,335
10			
11	GENERAL FUND TOTAL	<u>\$4,804,013</u>	<u>\$9,585,335</u>

12	FEDERAL EXPENDITURES FUND	2017-18	2018-19
13	All Other	\$23,082,456	\$47,473,310
14			
15	FEDERAL EXPENDITURES FUND TOTAL	<u>\$23,082,456</u>	<u>\$47,473,310</u>

16	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
17	All Other	\$579,970	\$1,214,774
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$579,970</u>	<u>\$1,214,774</u>

20 **Nursing Facilities 0148**

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

23	GENERAL FUND	2017-18	2018-19
24	All Other	\$6,157,663	\$12,901,721
25			
26	GENERAL FUND TOTAL	<u>\$6,157,663</u>	<u>\$12,901,721</u>

27	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
28	All Other	\$1,246,070	\$2,609,923
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,246,070</u>	<u>\$2,609,923</u>

31 **PNMI Room and Board Z009**

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

1	GENERAL FUND	2017-18	2018-19
2	All Other	\$773,294	\$1,619,699
3			
4	GENERAL FUND TOTAL	<u>\$773,294</u>	<u>\$1,619,699</u>

5	HEALTH AND HUMAN SERVICES,		
6	DEPARTMENT OF (FORMERLY DHS)		
7	DEPARTMENT TOTALS	2017-18	2018-19
8			
9	GENERAL FUND	\$12,482,467	\$25,624,598
10	FEDERAL EXPENDITURES FUND	\$23,082,456	\$47,473,310
11	OTHER SPECIAL REVENUE FUNDS	\$1,826,040	\$3,824,697
12			
13	DEPARTMENT TOTAL - ALL FUNDS	<u>\$37,390,963</u>	<u>\$76,922,605</u>

14 Amend the bill by striking out all of the emergency clause.'

15 **SUMMARY**

16 This amendment incorporates the changes made by House Amendment "A" to
 17 Committee Amendment "A", removes the emergency preamble and emergency clause
 18 and changes the reporting deadline for the Commission To Study Long-term Care
 19 Workforce Issues.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**

22 SPONSORED BY: _____

23 (Representative HYMANSON)

24 TOWN: York