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No. 1135

H.P. 813

House of Representatives, March 22, 2021

An Act Regarding Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for Those Services

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §20005, sub-§21**, as amended by PL 2019, c. 524, §11, is further
3 amended to read:

4 **21. List of banned performance-enhancing substances.** Develop and maintain a list
5 of banned performance-enhancing substances in accordance with Title 20-A, section 6621;
6 ~~and~~

7 **Sec. 2. 5 MRSA §20005, sub-§22**, as enacted by PL 2019, c. 524, §12, is amended
8 to read:

9 **22. Certification of recovery residences.** Establish by rule criteria for the
10 certification of recovery residences. The criteria for the certification of recovery residences
11 must be based on criteria for recovery residences developed by a nationally recognized
12 organization that supports persons recovering from substance use disorder. Certification
13 of a recovery residence pursuant to this subsection is voluntary. Rules adopted pursuant to
14 this subsection are routine technical rules as defined in chapter 375, subchapter 2-A-; and

15 **Sec. 3. 5 MRSA §20005, sub-§23** is enacted to read:

16 **23. Trauma-informed principles of care.** Ensure that all substance use disorder
17 services funded by the department conform to trauma-informed principles of care as
18 developed by the United States Department of Health and Human Services, Substance
19 Abuse and Mental Health Services Administration.

20 **Sec. 4. Department of Health and Human Services to increase substance**
21 **use disorder treatment reimbursement rates.** No later than January 1, 2022, the
22 Department of Health and Human Services shall amend its rule Chapter 101: MaineCare
23 Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to increase all rates
24 of reimbursement for outpatient services for substance use disorder by 25%.

25 **Sec. 5. Department of Health and Human Services to amend substance**
26 **abuse treatment facility rules.** No later than January 1, 2022, the Department of Health
27 and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual,
28 Chapter III, Section 97, Private Non-Medical Institution Services, Appendix B, Principles
29 of Reimbursement for Substance Abuse Treatment Facilities, to make the following
30 changes:

31 1. Increase the rates of reimbursement for all services, except for detoxification
32 services, by 25%; and

33 2. Reimburse detoxification services according to a cost-based rate methodology.

34 **Sec. 6. Department of Health and Human Services to amend private non-**
35 **medical institution services rules.** No later than January 1, 2022, the Department of
36 Health and Human Services shall amend its rule Chapter 101: MaineCare Benefits Manual,
37 Chapter II, Section 97, Private Non-Medical Institution Services, to make the following
38 changes to services provided in a private non-medical institution Appendix B facility:

39 1. Increase the limit on the number of consecutive days allowed for a residential
40 rehabilitation type I service to 45 days as long as the need is documented in the MaineCare
41 member's treatment plan;

1 2. Increase the limit on the term of residency for a residential rehabilitation type II
2 service to 60 days as long as the need is documented in the MaineCare member's treatment
3 plan; and

4 3. Remove the limit of a single admission to halfway house services annually but retain
5 the limit on those services to 180 days in a year.

6 **SUMMARY**

7 This bill includes a statutory requirement for substance use disorder treatments to
8 comply with trauma-informed principles of care according to the United States Department
9 of Health and Human Services, Substance Abuse and Mental Health Services
10 Administration. The bill also requires the Department of Health and Human Services to
11 amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65,
12 Behavioral Health Services, to increase reimbursement for substance use disorder
13 outpatient services by 25%; it also requires a 25% increase in reimbursement for services
14 provided under Chapter II, Section 97, Private Non-Medical Institution Services, Appendix
15 B, Principles of Reimbursement for Substance Abuse Treatment Facilities, except for
16 detoxification services, and requires the methodology for reimbursement for detoxification
17 services to be cost-based. The bill also requires the department to amend rule Chapter 101:
18 MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution
19 Services, to change the limitations on the number of days for certain residential treatment
20 services.