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Date:

(Filing No. H-276)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 813, L.D. 1135, "An Act Regarding Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for Those Services"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the prevalence of pandemic isolation related to COVID-19 for people living with mental health challenges and substance use disorder has increased the risk of harm and, in too many instances, drug-related fatalities; and

Whereas, the providers of substance use disorder services are experiencing an economic hardship that they won't be able to sustain; and

Whereas, the waiting lists for substance use disorder treatment services are increasing and the current reimbursement rate is not sufficient to attract and maintain enough providers to meet the growing need; and

Whereas, this legislation needs to take effect as soon as possible in order to support these much needed services; 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,'

Amend the bill in section 4 in the 2nd line (page 1, line 21 in L.D.) by striking out the following: "January 1, 2022" and inserting the following: 'October 1, 2021'

Amend the bill in section 4 in the last line (page 1, line 24 in L.D.) by inserting after the following: "25%." the following: 'The effective date of the reimbursement required by this section must be July 1, 2021.'

COMMITTEE AMENDMENT

1 Amend the bill in section 5 in the 2nd line (page 1, line 26 in L.D.) by striking out the
 2 following: "January 1, 2022" and inserting the following: 'October 1, 2021'

3 Amend the bill in section 5 in subsection 1 in the last line (page 1, line 32 in L.D.) by
 4 inserting after the following: "25%" the following: '. The effective date of the
 5 reimbursement required by this subsection must be July 1, 2021'

6 Amend the bill in section 5 in subsection 2 (page 1, line 33 in L.D.) by inserting after
 7 the following: "methodology." the following: 'The effective date of the reimbursement
 8 amendment required by this subsection must be July 1, 2021.'

9 Amend the bill in section 6 in the 2nd line (page 1, line 35 in L.D.) by striking out the
 10 following: "January 1, 2022" and inserting the following: 'October 1, 2021'

11 Amend the bill by inserting after section 6 the following:

12 '**Sec. 7. Appropriations and allocations.** The following appropriations and
 13 allocations are made.

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

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

16 Initiative: Provides funding for the Department of Health and Human Services to amend
 17 its rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65,
 18 Behavioral Health Services, to increase reimbursement for substance use disorder
 19 outpatient services by 25%.

20	GENERAL FUND	2021-22	2022-23
21	All Other	\$789,379	\$868,669
22			
23	GENERAL FUND TOTAL	<u>\$789,379</u>	<u>\$868,669</u>

25	FEDERAL EXPENDITURES FUND	2021-22	2022-23
26	All Other	\$4,908,533	\$4,829,243
27			
28	FEDERAL EXPENDITURES FUND TOTAL	<u>\$4,908,533</u>	<u>\$4,829,243</u>

30	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
31	All Other	\$363,697	\$363,697
32			
33	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$363,697</u>	<u>\$363,697</u>

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

35 Initiative: Provides funding for the Department of Health and Human Services to increase
 36 rates by 25% in its rules under Chapter 101: MaineCare Benefits Manual, Chapter III,
 37 Section 97, Private Non-Medical Institution Services, Appendix B, Principles of
 38 Reimbursement for Substance Abuse Treatment Facilities, except for detoxification
 39 services, and requires the methodology for reimbursement for detoxification services to be
 40 cost-based.

41	GENERAL FUND	2021-22	2022-23
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1	All Other	\$205,535	\$226,180
2			
3	GENERAL FUND TOTAL	<u>\$205,535</u>	<u>\$226,180</u>
4			
5	FEDERAL EXPENDITURES FUND	2021-22	2022-23
6	All Other	\$1,278,061	\$1,257,416
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$1,278,061</u>	<u>\$1,257,416</u>
9			
10	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
11	All Other	\$94,698	\$94,698
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$94,698</u>	<u>\$94,698</u>
14	Medical Care - Payments to Providers 0147		
15	Initiative: Provides funding for the Department of Health and Human Services to amend		
16	its rules under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private		
17	Non-Medical Institution Services, to change the limitations on the number of days for		
18	certain residential treatment services.		
19	GENERAL FUND	2021-22	2022-23
20	All Other	\$115,065	\$126,623
21			
22	GENERAL FUND TOTAL	<u>\$115,065</u>	<u>\$126,623</u>
23			
24	FEDERAL EXPENDITURES FUND	2021-22	2022-23
25	All Other	\$715,501	\$703,943
26			
27	FEDERAL EXPENDITURES FUND TOTAL	<u>\$715,501</u>	<u>\$703,943</u>
28			
29	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
30	All Other	\$53,015	\$53,015
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$53,015</u>	<u>\$53,015</u>
33			
34	HEALTH AND HUMAN SERVICES,		
35	DEPARTMENT OF		
36	DEPARTMENT TOTALS	2021-22	2022-23
37			
38	GENERAL FUND	\$1,109,979	\$1,221,472
39	FEDERAL EXPENDITURES FUND	\$6,902,095	\$6,790,602
40	OTHER SPECIAL REVENUE FUNDS	\$511,410	\$511,410
41			
42	DEPARTMENT TOTAL - ALL FUNDS	<u>\$8,523,484</u>	<u>\$8,523,484</u>

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Amend the bill by adding before the summary the following:
'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the unanimous report of the committee, adds an emergency preamble and emergency clause. It changes the date, from January 1, 2022 to October 1, 2021, by which the Department of Health and Human Services is required to adopt rules regarding outpatient services for substance use disorder, substance use disorder treatment facilities, detoxification services and lengths of stay permitted in a rehabilitation facility. It also makes the increased reimbursement rates retroactive to July 1, 2021. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)