

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Office of MaineCare Services
11 State House Station
Augusta, Maine 04333-0011
Tel; (207) 287-2674; Fax (207) 287-2675
TTY: Dial 711 (Maine Relay)

April 5, 2023

Senator Joseph Baldacci, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 840 – *An Act to Support Individuals with Personality Disorder or Emotional Dysregulation by Requiring Reimbursement Under the MaineCare Program*

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

Thank you for the opportunity to provide input on LD 840, *An Act to Support Individuals with Personality Disorder or Emotional Dysregulation by Requiring Reimbursement Under the MaineCare Program*. This bill requires the Department, beginning January 1, 2024, to reimburse under the MaineCare program for the treatment of personality disorder and emotional dysregulation. The bill also requires the Department to establish a bundled reimbursement rate for the treatment of MaineCare members diagnosed with personality disorder or emotional dysregulation.

The Department agrees there is need for enhanced treatment options for individuals with personality disorder and emotional dysregulation, but opposes the bill as written.

MaineCare has allowed for the delivery of services utilizing a Dialectical Behavior Therapy (DBT) treatment model through Outpatient Services and Specialized Group Services under Section 65 of the MaineCare Benefits Manual, *Behavioral Health Services*. Additionally, MaineCare began reimbursing providers for delivering Dialectical Behavior Therapy – Intensive Outpatient Programs (DBT-IOP) services under Section 65 of the MaineCare Benefits Manual, *Behavioral Health Services*, on 11/9/2022.

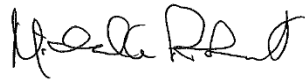
There are several types of personality disorder diagnoses, with specific treatment approaches required for each. Emotional dysregulation is not a diagnosis in and of itself but rather a set of symptoms, so the presence of emotional dysregulation does not necessarily determine course of treatment. This service needs to be facilitated by appropriately trained providers, and it is challenging to attract and retain qualified staff to ensure the program is completed to fidelity of the service model.

If passed as written, the January 1, 2024 effective date proposed is not feasible. The Department would need significantly more time to develop such a bundled rate as work is ongoing with rate studies of other services in compliance with P.L. 2021, Ch 639. Additionally, to determine which MaineCare Section of rule covers this service, the Department requests further clarification regarding scope of service, including eligibility criteria and the intended population(s) to be

served. Depending on which MaineCare section of rule covers the service, major substantive rulemaking and/or a rate determination process may be necessary, which needs to follow the process as set forth in Ch 639. Considering required policy work, state plan amendments, rate determination, and CMS approval, OMS projects an effective date of July 1, 2025 at the earliest.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Probert". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping underline.

Michelle Probert
Director
MaineCare Services