

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: March 23, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

LD 632 An Act To Facilitate the Conversion of Children's Private Nonmedical Institutions to Qualified Residential Treatment Programs as Required by Federal Law

SUMMARY: This bill requires following related to Qualified Residential Treatment Programs and the federal Family First Prevention Services Act:

1. DHHS must develop a plan for converting children's private nonmedical institutions to qualified residential treatment programs that meet the federal Family First Prevention Services Act. The department must establish requirements, timelines and costs for the children's private nonmedical institutions for converting to qualified residential treatment programs. It also requires the department to establish a method of providing financial resources to those institutions for converting.
2. It adds definitions for "qualified professional" and "qualified residential treatment program" in the Child and Family Services and Child Protection Act, and includes QRTPs in residential child care facilities.
3. It requires the annual report to the Legislature to include an assessment of compliance with the federal Family First Prevention Services Act.
4. DHHS is authorized to apply for waivers or extensions if deadlines for FFPSA not met.

ISSUES FROM TESTIMONY:

- Proponents: All children's PNMI's are transitioning to QRTPs. Funding for rate increases in the budget are a place holder because the rate review is not yet complete (different from the overall MaineCare rate study). Will require education investments. Providers don't yet know the costs for training or the rates. Concerns about the rate study methodology. Request for including language in the plan (sec. 6) requiring sustainable models.
- PNMI's are not operating at licensed capacity because of staffing shortages and closures (related to rates).

- Opponents: DHHS – bill is unnecessary. Providing significant technical and fiscal support – \$700,000. Rate study is for ongoing rates for QRTPs. Providers involved in the process.

DRAFTING ISSUES:

- LD 765, An Act To Provide for Judicial Review in Compliance with the Federal Family First Prevention Services Act (department bill in JUD). This bill was LD 2039 last year, not enacted by adjournment. Includes the same definitions for “qualified professional” and “qualified residential treatment program.” If enacted will cause a conflict although if enacted in the same way in both bills, more straightforward fix in the Errors Bill.
- Does the definition of “residential child care facility” already include QRTPs? If so, combined with LD 765, no need for Sections 1, 2 and 3 of the bill.
- Sec. 6 requires a plan for PNMIIs to “convert” to QRTPs; Dr. Landry’s testimony states that they remain PNMIIs while meeting federal definition for a QRTP to received federal reimbursement under the FFPSA.
- Sec. 7: does the department need permission to request extensions or waivers under FFPSA?

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- None.

FISCAL IMPACT:

Not yet received from OFPR.