

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 6, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

LD 376 Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program

SUMMARY: This resolve requires DHHS, by January 1, 2022, to amend its rules in Chapter 101: MaineCare Benefits Manual, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2021. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates.

ISSUES FROM TESTIMONY:

- Proponents: Same bill as 128th and 129th that passed but died on the Appropriations Table. No increase in MaineCare rates for 21 years. Most used codes are around 50% of Medicare. Higher rates may provide an incentive for chiropractors to enroll as MaineCare providers.
- DHHS: rate study ongoing. Myers & Stauffer recommendation is to update 9 services to a benchmarked Medicare rate – chiropractic is only one of the nine – all should be done at once; in the highest priority group.

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Fiscal note if more chiropractors were enrolled in MaineCare? Fiscal note is determined by the number of procedures rather than the number of chiropractors.
- Medicare rates (from Molly):
I was able to find the 2020 rates in the work product from our rate system evaluation. If you [open this page](#) and scroll to “specialty services” under “Phase 1 Benchmarking Report” there are Sect. 15 Chiropractic Services rates and these include both codes you mention. There is a lot more data in that spreadsheet, but here’s specifically what you asked for:

Code	MaineCare 2020	Medicare 2020
98941	\$19.40	\$39.98
98942	\$24.23	\$52.20

FISCAL IMPACT:

OFPR preliminary fiscal impact statement: DHHS will require GF of \$38,434 if FY 21-22 and \$76,676 in FY 22-23 and after, to amend rules to increase reimbursement rates for procedure codes 98940, 98941 and 98942 to no less than 70% of Medicare. Federal match as well. Fiscal note needed.