

## OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 14, 2021  
To: Joint Standing Committee on Health & Human Services  
From: Anna Broome, Legislative Analyst

### **LD 1197 Resolve, To Require Continued MaineCare Reimbursement to Nursing Facilities for Bed Hold Days during Hospitalizations and Therapeutic Leaves of Absence**

**SUMMARY:** This resolve requires DHHS to continue to provide reimbursement under the MaineCare program to nursing facilities for direct costs on bed holds during hospitalizations and therapeutic leaves of absence.

#### **ISSUES FROM TESTIMONY:**

- Bed hold provision protects residents while out of the facility. Costs of staffing continue even if a bed is empty.
- DHHS: fixed and routine costs are reimbursed during approved bed hold days and therapeutic leaves of absence but direct care portion may only be paid when the work is performed. Many providers have abided by this rule. Rule is mirrored in the State Plan.

#### **DRAFTING ISSUES:**

- October 6, 2020 date problematic if intent is FMAP match. Assuming that direct care costs can be reimbursed when the member is not in the facility, reimbursement can only be retroactive to the beginning of the quarter in which the change is submitted to CMS. If the bill is signed into law in June, DHHS would submit the change during the 1<sup>st</sup> quarter of SFY 2022 (July-September) and so the earliest there would be federal match is July 1, 2021. Any retroactive increase prior to that would be all GF.

#### **FISCAL IMPACT:**

Not yet received from OFPR.