

OFFICE OF POLICY AND LEGAL ANALYSIS

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

LD 1173 Resolve, To Develop a Plan To Treat in Maine Those Children with Behavioral Health Needs Currently Treated Outside the State

SUMMARY: This resolve requires DHHS to submit to the Health and Human Services Committee, within 30 days after this legislation takes effect, a plan for implementing Resolve 2019, chapter 54. Resolve 2019, chapter 54 requires the department to coordinate with families of children who are receiving residential treatment services for behavioral health issues outside the State to develop plans to bring the children back to the State to receive the required services that would be received under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services. Resolve 2019, chapter 54 also requires the department to negotiate related reimbursement rates in order to provide services to the children. (Emergency)

ISSUES FROM TESTIMONY:

- Sponsor: more children are out of state now than when Resolve 2019, c. 54 was passed. Don't think the negotiated rates required by that resolve happened. Wants stakeholders involved in the plan.
- Proponents: lack of home and community based treatment (HCT) for children resulting in out of state, ER, correctional, foster care, homeless shelters, and residential. DRM: don't want new institutions for children.
- DHHS: Have worked with families for individual plans – have a plan for every family and every child out of state but don't share those publicly. Of the 75 children out of state at the end of March (8 outside New England), 55 are in parental custody and parents have a role in where their children are placed. 246 are in state residential care. PRTF is a component that is missing from the continuum of care (18-20 out of state meet the need for that). Also working on App D rates.

DRAFTING ISSUES:

- Emergency bill so if the resolved was passed, it would go into effect immediately and the report would be due to the HHS committee within 30 days (the legislature would likely be out of session). Resolve allows the committee to report out a bill to the First Regular session only.

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Memo from OCFS – separate email attachment.
- Resolve 2019, c. 54: http://legislature.maine.gov/legis/bills/bills_129th/chapters/RESOLVE54.asp
- Risinger memo from Kim Moody at DRM (also LD 496) – separate email attachment.

FISCAL IMPACT:

OFPR preliminary fiscal impact statement: No fiscal impact. No fiscal note needed.