

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

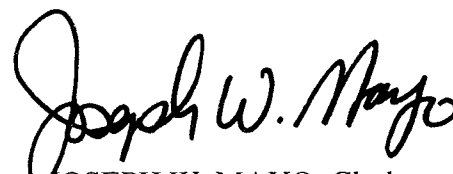
No. 2231

H.P. 1582

House of Representatives, May 14, 1999

An Act Regarding Long-term Care.

Reported by Representative KANE for the Joint Standing Committee on Health and Human Services pursuant to Joint Order H.P. 1539.


JOSEPH W. MAYO, Clerk

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3174-I, sub-§1, ¶B-2, as enacted by PL 1995, c. 687, §1, is amended to read:

B-2. The department shall establish additional assessment practices and related policies for persons with Alzheimer's disease and other dementias as follows.

(1) For persons who have been assessed using the department's primary assessment instrument and found to have cognitive or behavioral difficulties but who do not require nursing intervention with the frequency necessary to qualify for nursing facility level of care, the department shall administer a supplemental dementia assessment for those persons with cognitive and behavioral impairments. By May 1, 1996, the criteria reflected in this supplemental dementia assessment and the scoring mechanism must be incorporated into rules adopted by the department in consultation with consumers, providers and other interested parties. The assessment criteria proposed in the rulemaking must consider, but are not limited to, the following: orientation, memory, receptive communication, expressive communication, wandering, behavioral demands on others, danger to self or others and awareness of needs.

(2) The department shall reimburse a nursing facility for individuals who are eligible for care based on the supplemental dementia assessment only if the nursing facility demonstrates a program of training in the care of persons with Alzheimer's disease and other dementias for all staff responsible for the care of persons with these conditions. The department, in consultation with consumers, providers and interested parties, shall develop the requirements for training and adopt rules containing those requirements. By July 1, 1997, the department, in consultation with consumers, providers and interested parties, shall adopt rules establishing the standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias. These standards must apply to all levels of care available to such individuals.

~~(3) -- No later than January 15, 1997, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human service matters on the extent to which the use of the~~

2 supplemental--dementia--assessment--has--expanded--medical
eligibility--for--nursing--facility--care--to--include
4 persons-with-Alzheimer's-disease-or-other-dementias.

6 (4) Rules adopted pursuant to this subsection
paragraph are major substantive rules as defined by
8 Title 5, chapter 375, subchapter II-A.

10 **Sec. 2. Rulemaking.** The Department of Human Services shall
adopt rules to provide a supplemental payment to nursing
12 facilities for the purpose of addressing the problem of
recruitment and retention of nonadministrative staff. The rules
14 must provide for a supplemental payment based on the facility's
1997 actual Medicaid allowable direct care reimbursement,
16 excluding any savings element. The percentage increase will be
determined based on the funds appropriated for this purpose.
18 Nursing facilities must use this payment to address what they
consider to be their greatest staffing needs, with priority given
20 to staff who provide hands-on care to residents. The department
shall adopt a tracking mechanism to provide information on
22 staffing and wage levels and the uses of the supplemental
payments. The rule must provide for the recoupment at audit of
24 any funds not used to address costs of nonadministrative staff.
The payments provided for under this Act must be made with funds
26 appropriated in the supplemental budget for fiscal year 1999-00.
Rules adopted pursuant to this Act are routine technical rules as
28 defined by the Maine Revised Statutes, Title 5, chapter 375,
subchapter II-A.

30 **Sec. 3. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

32 **1999-00**

34 **HUMAN SERVICES, DEPARTMENT OF**

36 **Nursing Facilities**

38 All Other \$1,200,000

40 Provides funds for the state share of a
42 one-time supplemental payment to nursing
facilities for the purpose of addressing the
44 problem of recruitment and retention of
nonadministrative staff.

46 **Sec. 4. Allocation.** The following funds are allocated from the
48 Federal Expenditures Fund to carry out the purposes of this Act.

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1999-00

HUMAN SERVICES, DEPARTMENT OF

Nursing Facilities

All Other \$2,357,136

Provides funds for the federal share of a one-time supplemental payment to nursing facilities for the purpose of addressing the problem of recruitment and retention of nonadministrative staff.

FISCAL NOTE

1999-00

APPROPRIATIONS/ALLOCATIONS

General Fund \$1,200,000
Other Funds 2,357,136

REVENUES

Other Funds \$2,357,136

This bill includes a General Fund appropriation of \$1,200,000 in fiscal year 1999-00 for the Department of Human Services to provide a one-time supplemental payment to nursing facilities to address staffing needs in the nonadministrative area. This bill also includes a Federal Expenditures Fund allocation of \$2,357,136 in fiscal year 1999-00 for the federal share of the supplemental payment to nursing facilities.

The Governor's proposed supplemental, "Part 2," budget, including the proposed change package, includes a General Fund request for this purpose.

The additional costs associated with adopting a tracking mechanism and adopting rules can be absorbed by the Department of Human Services utilizing existing budgeted resources.

SUMMARY

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This bill requires rulemaking by the Department of Human Services to provide supplemental payments to nursing facilities. The supplemental payments must be used to address staffing needs in the nonadministrative area. It also corrects an error in reference in a rule-making provision on Alzheimer's disease and other dementia screening for long-term care services. It also repeals an outdated portion of law.