

# MAINE STATE LEGISLATURE

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L.D. 1828

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DATE: 1-29-04

(Filing No. H-661)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1828, Bill, "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005"

Amend the amendment in Part A in section 1 on page 22 in line 13 by striking out the following: "discontinuing coverage" and inserting in its place the following: 'requiring prior authorization'

Further amend the amendment in Part G by inserting before section 1 the following:

'Sec. G-1. 22 MRSA §2681, sub-§2, ¶B, as amended by PL 2003, c. 494, §4, is further amended to read:

B. "Initial discounted price" for a drug means ~~the price the department pays MaineCare~~ the amount that participating retail pharmacies for that drug for MaineCare members may charge qualified residents participating in the program for that drug, as established by the department through rulemaking.

**Sec. G-2. Department of Human Services; emergency rulemaking.** Notwithstanding any other provision of law, the Commissioner of Human Services is authorized to adopt rules to implement the provisions of the Maine Revised Statutes, Title 22, section 2681, subsection 2, paragraph B and those rules are emergency rules in accordance with Title 5, section 8054.'

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2 Further amend the amendment in Part G in section 1 in the  
last line (page 44, line 5 in amendment) by inserting after the  
4 following: "benefit." the following: 'Rules adopted pursuant to  
this section are routine technical rules as defined in the Maine  
6 Revised Statutes, Title 5, chapter 375, subchapter 2-A.'

8 Further amend the amendment in Part G by striking out all of  
section 2.

10 Further amend the amendment by striking out all of Part H.

12 Further amend the amendment in Part I in section 1 in that  
part designated "\$2892." in the last line (page 45, line 26 in  
14 amendment) by inserting after the following: "year." the  
following: 'Delinquent tax payments are subject to Title 22,  
16 section 3175-C.'

18 Further amend the amendment by striking out all of Part Z.

20 Further amend the amendment by inserting after Part CC the  
following:

22 **PART DD**

24 **Sec. DD-1. Appropriations and allocations.** The following  
26 appropriations and allocations are made.

28 **OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY**

30 **Office of Program Evaluation and Government Accountability**

32 Initiative: Deallocates funds allocated in Public Law 2003,  
chapter 490, section C-1.

34	<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
36	All Other	\$0	(\$75,000)
38	Highway Fund Total	<u>\$0</u>	<u>(\$75,000)</u>

40 **PART EE**

42 **Sec. EE-1. 22 MRSA §3175-C**, as enacted by PL 2001, c. 714,  
Pt. NN, §1, is amended to read:

44 **§3175-C. Delinquent hospital taxes to be withheld from Medicaid**  
46 **payments**

48 When the commissioner receives written notice from the State  
Tax Assessor that a hospital is delinquent by more than 30 days  
50 in making a health care provider tax payment required by Title

**HOUSE AMENDMENT**

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2 36, section 2883 or chapter 377, the commissioner shall, upon 10  
4 days' written notice, withhold the outstanding amount of tax,  
6 together with any applicable interest and penalties, from the  
8 hospital's Medicaid payments. All amounts withheld by the  
commissioner pursuant to this section are deemed to be health  
care provider tax payments by the hospital and must be  
transferred within 30 days to the State Tax Assessor, who shall  
apply the amount in question to the hospital's tax account.'

10 Further amend the amendment by relettering or renumbering  
12 any nonconsecutive Part letter or section number to read  
consecutively.

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**SUMMARY**

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This amendment does the following:

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1. It amends language regarding the deappropriation and  
20 deallocation of funds from the Department of Human Services,  
22 Medical Care - Payments to Providers, General Fund account to  
clarify that the savings are from the requirement of prior  
24 authorization for certain elective surgeries;

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2. It amends the definition of "initial discounted price"  
in the Maine Rx Plus Program to mean the amount, as set by the  
28 Department of Human Services through rulemaking, that  
participating pharmacies may charge qualified residents  
30 participating in the Maine Rx Plus program for a drug. It also  
requires the Department of Human Services to do emergency  
32 rulemaking to establish the amount;

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3. It strikes Part H, which amends language regarding the  
principles of reimbursement established for intermediate care  
36 facilities for the mentally retarded. It also eliminates  
provisions concerning rate-setting requirements for  
38 fee-for-service or grant-in-aid programs that serve individuals  
with mental retardation;

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4. It strikes Part Z, which requires that, beginning July  
1, 2004, MaineCare reimbursement and access to services are  
42 subject to the rules, policies, principles and guidelines that  
were in effect on January 15, 2004 and requires that changes on  
44 or after July 1, 2004 be done in accordance with the major  
substantive rule-making procedures;

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5. It also allocates \$75,000 to the Highway Fund and  
48 deappropriates \$75,000 from the Office of Program Evaluation and  
Government Accountability; and

**HOUSE AMENDMENT**

R.O.S.

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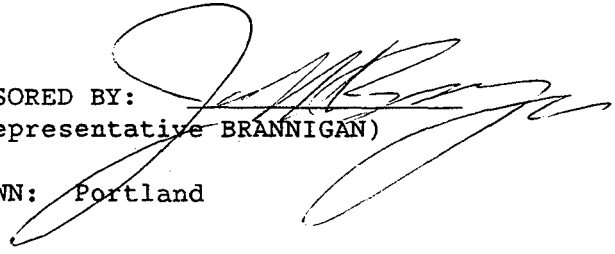
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6. It gives the Commissioner of Human Services the authority to withhold the Medicaid payments of a hospital that is delinquent in making the tax payments required by the Maine Revised Statutes, Title 36, chapter 377.

**FISCAL NOTE REQUIRED**  
**(See attached)**

SPONSORED BY:  
(Representative BRANNIGAN)

TOWN: Portland



**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1828**

**An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005**

**LR 2700(33)**

**Fiscal Note for House Amendment " " to Committee Amendment "A"**

**Sponsor: Rep. Brannigan**

**Fiscal Note Required: Yes**

**Fiscal Note**

	<b>2003-04</b>	<b>2004-05</b>
<b>Net Cost (Savings)</b>		
Highway Fund	\$0	(\$75,000)
<b>Appropriations/Allocations</b>		
Highway Fund	\$0	(\$75,000)

**Fiscal Detail and Notes**

This amendment deallocates funds allocated in PL 2003, Chapter 490, section C-1. Elimination of Part Z will allow rulemaking intended to reduce MaineCare spending to continue in effect after July 1, 2004.

This amendment will have no net effect on General Fund appropriations and revenue.