

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 984

H.P. 739

House of Representatives, February 26, 2019

Resolve, To Increase Funding for Children's Behavioral Health Issues in Order To Return to the State Children Who Are Currently Housed in Residential Treatment Systems outside of the State and To Suspend Certain Contracts Related to Psychiatric Residential Treatment Facilities

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: BEEBE-CENTER of Rockland, BRENNAN of Portland, MADIGAN of
Waterville, McCREIGHT of Harpswell, PERKINS of Oakland, STEWART of Presque Isle,
Senators: MOORE of Washington, SANBORN, L. of Cumberland.

1 **Sec. 1. Department of Health and Human Services to coordinate with**
2 **families of children receiving services out of state. Resolved:** That the
3 Department of Health and Human Services through its case managers shall coordinate
4 with families of children who are receiving residential treatment services for behavioral
5 health issues out of state to develop plans to bring the children back to the State to receive
6 the required services that would be received under rule Chapter 101: MaineCare Benefits
7 Manual, Chapter II, Section 97, Private Non-Medical Institution Services, if room were
8 available.

9 **Sec. 2. Suspension and moratorium on contracts involving psychiatric**
10 **residential treatment facility licensed by Department of Health and Human**
11 **Services. Resolved:** That any contract to which the Department of Health and Human
12 Services is a party that is related to a psychiatric residential treatment facility to be
13 licensed under rule Chapter 36: Children's Residential Care Facilities Licensing Rule is
14 suspended and unenforceable as of the effective date of this section. The department is
15 prohibited from entering into a new contract related to a psychiatric residential treatment
16 facility to be licensed under rule Chapter 36: Children's Residential Care Facilities
17 Licensing Rule. The department may not issue any new contracts related to rule Chapter
18 36: Children's Residential Care Facilities Licensing Rule. The suspension and
19 moratorium imposed by this section expire 30 days after the submission of the report
20 required by section 3 of this resolve.

21 **Sec. 3. Department of Health and Human Services to review MaineCare**
22 **rates. Resolved:** That the Department of Health and Human Services shall perform a
23 comprehensive review regarding psychiatric residential treatment facilities licensed under
24 rule Chapter 36: Children's Residential Care Facilities Licensing Rule, referred to in this
25 section as "the facilities." The review must include an examination and evaluation of:

26 1. The number of children's residential beds available in the facilities and the number
27 of children's residential beds needed;

28 2. The adequacy of staffing levels for the facilities;

29 3. The impact of the current MaineCare reimbursement rate on the ability to maintain
30 adequate staffing levels for the facilities; and

31 4. Whether the current MaineCare reimbursement rate is impeding the construction of
32 additional facilities and, if so, what an appropriate reimbursement rate is.

33 The department shall report its findings and recommendations, including any
34 necessary implementing legislation, to the Joint Standing Committee on Appropriations
35 and Financial Affairs and the Joint Standing Committee on Health and Human Services
36 no later than January 2, 2020.

37 **Sec. 4. Department of Health and Human Services to increase**
38 **MaineCare rates. Resolved:** That, no later than October 1, 2019, the Department of
39 Health and Human Services shall amend rule Chapter 101: MaineCare Benefits Manual,
40 Chapter III, Section 65, Behavioral Health Services, Children's Home and Community

1 Based Treatment, and Section 97, Appendix D, Principles of Reimbursement for Child
2 Care Facilities, to increase reimbursement rates by 30%.

3 **Sec. 5. Appropriations and allocations. Resolved:** That the following
4 appropriations and allocations are made.

5 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

6 **Medical Care - Payments to Providers 0147**

7 Initiative: Provides funding to increase rates in rule Chapter 101: MaineCare Benefits
8 Manual, Chapter III, Section 65, Behavioral Health Services, Children's Home and
9 Community Based Treatment, by 30% and in rule Chapter 101: MaineCare Benefits
10 Manual, Chapter III, Section 97, Appendix D, Principles of Reimbursement for Child
11 Care Facilities, by 30%.

12	GENERAL FUND	2019-20	2020-21
13	All Other	\$6,578,135	\$8,770,847
14			
15	GENERAL FUND TOTAL	<u>\$6,578,135</u>	<u>\$8,770,847</u>

16	FEDERAL EXPENDITURES FUND	2019-20	2020-21
17	All Other	\$13,488,349	\$17,984,466
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u>\$13,488,349</u>	<u>\$17,984,466</u>

20	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
21	All Other	\$839,203	\$1,118,937
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$839,203</u>	<u>\$1,118,937</u>

24 **SUMMARY**

25 This resolve requires the Department of Health and Human Services to coordinate
26 with families of children who are receiving certain services out of state to develop plans
27 to bring the children back to the State to receive the required services and care. The
28 resolve also suspends current contracts regarding any psychiatric residential treatment
29 facility licensed by the department and prohibits the department from issuing new
30 contracts for such facilities. The suspension and moratorium are lifted 30 days after the
31 department submits a report, as required by this resolve, to the Joint Standing Committee
32 on Appropriations and Financial Affairs and the Joint Standing Committee on Health and
33 Human Services regarding the adequacy of beds and staffing levels in those facilities and
34 the need to increase the MaineCare reimbursement rate to allow for additional facilities or
35 staffing.

1 Additionally, the resolve provides funding to increase rates in rule Chapter 101:
2 MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services,
3 Children's Home and Community Based Treatment and Section 97, Appendix D,
4 Principles of Reimbursement for Child Care Facilities by 30% no later than October 1,
5 2019.