

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 791

S.P. 354

In Senate, March 4, 2025

**An Act Regarding Children with Behavioral Health Needs Awaiting
Placement in Residential Care Facilities**

(EMERGENCY)

Received by the Secretary of the Senate on February 27, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Department of Health and Human Services is required to ensure the
4 operation of a psychiatric residential treatment facility as soon as possible and prior to 90
5 days after adjournment; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 22 MRSA §3174-PPP** is enacted to read:

12 **§3174-PPP. Reimbursement for hospitals other than critical access hospitals for days**
13 **awaiting placement**

14 Beginning January 1, 2026, the department shall provide reimbursement to hospitals,
15 other than critical access hospitals, for each day that a MaineCare eligible individual under
16 19 years of age is in the care of a hospital while awaiting placement in a children's
17 residential care facility as defined in section 8101, subsection 4. The department shall
18 reimburse hospitals prospectively at the average daily rate for a MaineCare member at a
19 children's residential care facility. For the purposes of this section, "critical access hospital"
20 has the same meaning as in section 7932, subsection 10.

21 **Sec. 2. 34-B MRSA §15003, sub-§9-A** is enacted to read:

22 **9-A. Monthly data report.** Beginning November 1, 2025, the department shall
23 submit a monthly report to the joint standing committee of the Legislature having
24 jurisdiction over health and human services matters with the total number of children in a
25 hospital emergency room who stayed in that hospital emergency room longer than 48 hours
26 after they no longer needed a hospital level of care. The report must also provide the
27 following data breakdown for the children in the report:

28 A. The number of children under 12 years of age;

29 B. The number of children who have entered the hospital emergency room directly
30 from a residential setting, including, but not limited to, a children's home as defined in
31 Title 22, section 8101, subsection 1, a children's residential care facility as defined in
32 Title 22, section 8101, subsection 4 or another hospital;

33 C. The number of children who are experiencing homelessness; and

34 D. The services needed that are unavailable, causing the children to remain in the
35 hospital emergency room.

36 **Sec. 3. Hospital reimbursement rules.** The Department of Health and Human
37 Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III,
38 Section 45, Hospital Services to implement the Maine Revised Statutes, Title 22, section
39 3174-PPP. Rules adopted pursuant to this section are routine technical rules as defined in
40 Title 5, chapter 375, subchapter 2-A.

1 human services matters on the number of children who are in a hospital emergency room
2 awaiting placement. The report must also include the number of children under 12 years
3 of age, the number of children who have come from another residential setting or hospital,
4 the number of children who are experiencing homelessness and the services the children
5 are waiting for.

6 The bill also requires the department to provide to the joint standing committee of the
7 Legislature having jurisdiction over health and human services matters the de-identified
8 data provided to the independent reviewer to settle the lawsuit filed by the United States
9 Department of Justice no later than 30 days after that data is provided to the reviewer.