

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1345

S.P. 561

In Senate, April 1, 2025

**Resolve, Directing the Department of Health and Human Services to
Timely Provide Interim Settlement Payments to Long-term Care
Facilities**

Received by the Secretary of the Senate on March 28, 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", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.

Cosponsored by Senators: GROHOSKI of Hancock, MOORE of Washington, Representative: JAVNER of Chester.

Sec. 1. Department of Health and Human Services to pay nursing facilities interim settlements based on outstanding cost reports. Resolved: That, no later than October 31, 2025, the Department of Health and Human Services shall pay to each nursing facility an interim cost settlement amount equal to 75% of the sum of all settlement amounts due to the nursing facility as shown in as-filed cost reports submitted to the department by that nursing facility but not yet audited as of the date of submission, except for any amounts already paid based on as-filed cost reports pursuant to Resolve 2023, chapter 121, section 1 and any rules adopted by the department in accordance with that resolve.

Sec. 2. Department of Health and Human Services to amend nursing facility rules to provide interim payments. Resolved: That, to the extent that the Department of Health and Human Services has not yet amended department rules in compliance with Resolve 2023, chapter 121, section 1, the department shall adopt the required amendment to the department rules no later than December 1, 2025.

Sec. 3. Department of Health and Human Services to pay residential care facilities interim settlements based on outstanding cost reports. Resolved: That, no later than October 1, 2025, the Department of Health and Human Services shall pay to each private nonmedical institution reimbursed as a residential care facility an interim cost settlement amount equal to 75% of the sum of all settlement amounts due to the private nonmedical institution as shown on all as-filed cost reports submitted to the department by that private nonmedical institution but not yet audited as of the date of submission.

Sec. 4. Department of Health and Human Services to amend residential care facility rules to provide prompt interim payments. Resolved: That, no later than December 1, 2025, the Department of Health and Human Services shall amend its rules in Chapter 115: Principals of Reimbursement for Residential Care Facilities – Room and Board Costs to require the department to reimburse at least 75% of the settlement due to each private nonmedical institution as shown on its as-filed cost reports within 90 days of receipt of each cost report. To the extent determined necessary by the department to implement this section, the department shall adopt conforming amendments to its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services and Appendix C, Medical and Remedial Facilities.

Sec. 5. Existing resources. Resolved: That the Department of Health and Human Services shall implement the requirements of this resolve within existing resources.

Sec. 6. Emergency rulemaking. Resolved: That the Department of Health and Human Services shall adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 to the extent necessary to implement the requirements of this resolve. Notwithstanding Title 5, section 8054, subsection 2, the department may adopt emergency rules under this section without making factual findings as to the existence of an emergency.

SUMMARY

This resolve:

1 1. Reinforces, by providing specific deadlines, requirements of the Department of
2 Health and Human Services pursuant to Resolve 2023, chapter 121, subsection 1 to
3 reimburse nursing facility interim settlement amounts;

4 2. Clarifies that the 75% reimbursement of as-filed settlements to nursing facilities
5 within 90 days of the receipt of facility cost reports also applies to private nonmedical
6 institutions, including previously filed cost reports awaiting payment; and

7 3. Requires the department to amend its rules to conform to this resolve.