

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1451

7 H.P. 1100

House of Representatives, April 12, 1983

8 Referred to the Committee on Health and Institutional Services. Sent up  
9 for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Lisnik of Presque Isle.

Cosponsors: Representative Kelleher of Bangor, Senator Gill of  
11 Cumberland and Senator Wood of York.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Transfer to the Department of  
18 Mental Health and Mental Retardation Certain  
19 Program and Function Authority and  
20 Services to the Mentally Retarded.  
21

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

24 Sec. 1. Intent. It is the intent of the Legis-  
25 lature that certain programs and functions relating  
26 to mentally retarded citizens now being administered  
27 by the Department of Human Services shall be trans-  
28 ferred to the Department of Mental Health and Mental  
29 Retardation as of July 1, 1984. These departments  
30 shall arrange the details of this transfer in accor-  
31 dance with this Act and submit all necessary legis-  
32 lation to the Second Regular Session of the 111th  
33 Legislature, no later than January 1, 1984.

34 Sec. 2. Programs to be included in transfer.  
35 Specifically included in the transfer to the Depart-

1 ment of Mental Health and Mental Retardation shall be  
2 the following functions relating to Title XIX, resi-  
3 dential programs for the mentally retarded:

4 A. Initial client eligibility for admission;

5 B. Determination of continued client eligibility  
6 through the utilization review process;

7 C. Licensing and certification;

8 D. Promulgation of rules for residential pro-  
9 grams;

10 E. Promulgation of principles of reimbursement;

11 F. Audits;

12 G. Rate setting; and

13 H. Services performed through Title XIX personal  
14 care waivers.

15 **Sec. 3. Claims processing; Medicaid eligibility;**  
16 **certificate of need functions.** It is the intent of  
17 the Legislature that the claims processing, Medicaid  
18 eligibility and certificate of need functions remain  
19 in the Department of Human Services and that the  
20 department continue as the State Medicaid Agency,  
21 contracting the functions and programs in section 2  
22 to the Department of Mental Health and Mental Retar-  
23 dation to be operated in accordance within an annual  
24 funding ceiling and a prospective reimbursement sys-  
25 tem established pursuant to state and federal funds  
26 available for these programs.

27 **Sec. 4. Contract; agreements; transfers.** The  
28 Department of Human Services and the Department of  
29 Mental Health and Mental Retardation shall develop  
30 all necessary contracts, agreements and personnel  
31 transfers to carry out the intent of this Act, and  
32 any subsequent legislation, by April 1, 1984.

33 **Sec. 5. Rules.** The Department of Human Ser-  
34 vices and the Department of Mental Health and Mental  
35 Retardation shall develop and promulgate all neces-  
36 sary changes in rules to carry out the intent of this

1 Act by July 1, 1984.

2 STATEMENT OF FACT

3 In 1981, the Legislature transferred certain pro-  
4 grams relating to mentally ill and mentally retarded  
5 citizens from the Department of Human Services to the  
6 Department of Mental Health and Mental Retardation.  
7 These were social service programs funded by federal  
8 Title XX moneys.

9 This bill takes the next step in the process of  
10 bringing services to the mentally retarded into the  
11 appropriate department of State Government. State  
12 law establishes the Bureau of Mental Retardation, in  
13 the Department of Mental Health and Mental Retarda-  
14 tion, to provide services to the retarded. The  
15 ICF/MR program, providing residential homes for  
16 retarded citizens coming out of Pineland Center, is  
17 administered primarily by the Department of Human  
18 Services. This has resulted in a program of confus-  
19 ing administration, conflicting lines of authority  
20 and poor coordination with other services to the same  
21 client population.

22 There are 300 retarded citizens in these homes.  
23 Yet they are completely swallowed up by the Depart-  
24 ment of Human Services, losing identity and recogni-  
25 tion for their special needs.

26 This bill tracks the process used in 1981 to  
27 transfer the Title XX services, by defining the areas  
28 to be transferred and allowing the 2 departments to  
29 work out the details and arrangements under a  
30 timetable that meshes with the legislative schedule.

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