

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 401

S.P. 147

In Senate, February 19, 1987

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator GILL of Cumberland.

Cosponsored by Senator BUSTIN of Kennebec, Representative BOUTILIER of Lewiston, Representative TAYLOR of Camden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Establish an Alternative to the
2 Certificate of Need Process to Address
3 the Needs of Medicaid Patients in Need
4 of Nursing Home Care.
5

6 Be it enacted by the People of the State of Maine as
7 follows:

8 22 MRSA §326 is enacted to read:

9 §326. Alternative mechanisms for addressing the
10 needs of Medicaid patients in need of nursing
11 home care

12 1. Findings. The Legislature makes the following
13 findings.

1 A. The Medicaid program has a fundamental obli-
2 gation to meet the needs of eligible individuals
3 in need of nursing home care.

4 B. There is an acute and growing shortage of
5 nursing home beds with respect to both Medicaid
6 eligible and other individuals.

7 C. The provision of additional beds by itself
8 will not satisfy the needs of all individuals.

9 D. In addition, the Medicaid program has an ob-
10 ligation to provide reasonable payments to meet
11 the needs of eligible individuals.

12 E. Determination of the appropriate mechanism to
13 meet these needs will require further analysis
14 and experimentation.

15 2. Purpose. The purpose of this section is to
16 require the department, in consultation with repre-
17 sentative groups, to determine the current need for
18 beds for Medicaid eligible persons in need of nursing
19 home care, to assess the capacity of the current sys-
20 tem to fulfill these needs and to develop alternative
21 mechanisms to address these needs.

22 3. Report and proposed legislation required. The
23 department shall, on or before December 1, 1987, re-
24 port to the joint standing committee of the Legisla-
25 ture having jurisdiction over human resources, pro-
26 posed legislation to establish an alternative process
27 to respond to the findings and purpose of this sec-
28 tion. The department shall consult with representa-
29 tive groups including, but not limited to, the Maine
30 Health Care Association and the Maine Committee on
31 Aging. The department shall give due consideration to
32 a variety of proposals, including, but not limited
33 to:

34 A. A request for proposal and bidding process
35 similar to that utilized by the Office of the
36 State Bureau of Purchases and other state agen-
37 cies;

38 B. A contract process with existing nursing
39 homes for provision of Medicaid beds on a negoti-
40 ated basis; and

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C. A voucher process where Medicaid recipients
and their families would be permitted to negoti-
ate individual contractual arrangements.

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STATEMENT OF FACT

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The purpose of this bill is set forth in the
findings and purpose set forth in proposed Title 22,
section 326, subsections 1 and 2.

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