

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2137

S.P. 817

In Senate, January 25, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Senator GILL of Cumberland, Representative MANNING of Portland, Representative WHITCOMB of Waldo.

STATE OF MAINE

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

**AN ACT to Amend the Principles of
Reimbursement for Nonhealth Employees of
Nursing Homes.**

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

7 22 MRSA §1708, sub-§2, as repealed and replaced
8 by PL 1975, c. 365, §1, is amended to read:

2. Compensation for nursing homes.

A nursing home, as defined under section 1812-A, or any portion of a hospital or institution operated as a nursing home, when the State is liable for payment for care, shall be reimbursed at a rate established by the Department of Human Services pursuant to this subsection. The department shall not establish a so-called "flat rate." The department shall establish for each nursing home a payment rate or payment rates relating to various types of care provided in a nursing home. Such rate or rates shall be based on the operating costs attributable to each nursing home as determined by such accounting and auditing standards and procedures as the department may establish. The provisions of this subsection shall apply to all funds, including federal funds, paid by any agency of the State to a nursing home for patient care. The provisions of this subsection shall apply, notwithstanding any other provisions of law.

In determining the appropriate reimbursement with respect to nonhealth personnel staff costs, the department shall recognize any extraordinary cost of recruiting and retaining those personnel. In determining extraordinary costs, the department shall consider, at a minimum, labor market conditions, shortages in the labor pool, demonstrated inability to recruit or retain qualified nonhealth personnel and the percentage of any previous allowances for wage increases which are reflected in the current salary of those employees. Interim adjustments to the reimbursement rate may be made by the department when appropriate.

STATEMENT OF FACT

Recently, the Department of Human Services has established a procedure to receive requests from nursing homes for increases in wages for health personnel in those homes beyond those increases already reflected in the principles of reimbursement. No attention has been focused on nonhealth personnel,

1 such as dieticians and custodians. This bill requires
2 the department to consider any difficulty nursing
3 homes are experiencing in recruiting and retaining
4 those personnel and provides an interim wage
5 adjustment for those personnel when appropriate.

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