

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2241

H.P. 1642 House of Representatives, February 11, 1988

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Appropriations and
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Senators GILL of Cumberland, PERKINS of
Hancock and Representative CHONKO of Topsham.

STATE OF MAINE

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

1 AN ACT to Assure Appropriate Statewide
2 Treatment Services to Children with
3 Special Needs.
4

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

7 Sec. 1. 22 MRSA §8152, sub-§3, ¶A, as enacted
8 by PL 1987, c. 432, §1, is amended to read:

1 A. Residential treatment centers desiring to
2 provide services to children in need of placement
3 shall submit the necessary budget data to the
4 Children's Residential Treatment Committee
5 Committee for Interdepartmental Coordination of
6 Services to Children and Families on or before
7 May-15th by April 1st of each year.

8 Sec. 2. 22 MRSA §8152, sub-§3, ¶B, as enacted
9 by PL 1987, c. 432, §1, is repealed and the following
10 enacted in its place:

11 B. The Committee for Interdepartmental
12 Coordination of Services to Children and Families
13 shall set rates and sign contracts by May 1st of
14 each year. The committee's contract must state:

15 (1) The reason for the number of children
16 being contracted for;

17 (2) The rate established for payment for
18 those services; and

19 (3) The basis for that rate.

20 Sec. 3. 22 MRSA §8152, sub-§3, ¶C, as enacted
21 by PL 1987, c. 432, §1, is repealed.

22 Sec. 4. 22 MRSA §8152, sub-§4, as repealed and
23 replaced by PL 1987, c. 432, §1, is repealed.

24 Sec. 5. 22 MRSA §8152, sub-§§4-A and 6 are
25 enacted to read:

26 4-A. Provision for adequate salaries. The
27 committee shall, in establishing rates, take into
28 account the importance of recruiting and retaining
29 qualified child care staff in the current labor
30 market. The rates established by the committee shall
31 provide funds adequate to meet increased staff costs,
32 including increased base salaries for residential
33 child care staff. The Department of Human Services is
34 directed to increase Medicaid ceiling levels for the
35 following facilities to allow adequate funding of
36 staff costs to meet competitive wages statewide:

- 1 A. Residential treatment centers;
 2 B. Intermediate care facilities for the mentally
 3 retarded; and
 4 C. Waiver homes, as approved by the Bureau of
 5 Mental Retardation.
 6 The minimum base wage shall be based on an average
 7 starting wage of \$6 per hour.

8 6. In-state treatment. The committee, in
 9 consultation with the Committee for Interdepartmental
 10 Coordination of Services to Children and Families,
 11 shall establish guidelines and policies for their
 12 departments which shall encourage, to the maximum
 13 extent feasible, the placement of Maine children in
 14 treatment programs located within the State. Funds
 15 expended for out-of-state placement in fiscal year
 16 1988-89 shall be no greater than 75% of funds expended
 17 in fiscal year 1987-88. Funds expended for
 18 out-of-state placement in fiscal year 1989-90 shall be
 19 no greater than 50% of funds expended in fiscal year
 20 1987-88.

21 Sec. 6. Appropriation. The following funds are
 22 appropriated from the General Fund to carry out the
 23 purposes of this Act.

24		<u>1988-89</u>
25	<u>MENTAL HEALTH AND MENTAL</u>	
26	<u>RETARDATION, DEPARTMENT OF</u>	
27	Bureau of Children	
28	with Special Needs	
29	All Other	\$285,000
30	These funds will be	
31	used for 2 purposes:	
32	\$210,000 is designated	
33	for the mental health	

1 treatment costs
2 associated with day
3 treatment and shall be
4 used to fund services
5 in unserved areas of
6 the State and to
7 develop programs in
8 order to alleviate the
9 need, when feasible,
10 of sending children
11 out of their home
12 district for
13 treatment. The
14 remaining \$75,000 will
15 be used to establish,
16 as a component of day
17 treatment, a precare
18 program for very young
19 children with serious
20 mental health needs or
21 behavioral problems.

22 STATEMENT OF FACT

23 This is a comprehensive bill to improve the
24 delivery of services to children with special needs in
25 the State. It ensures that, to the maximum extent
26 feasible, these children are served within the State.
27 It directs that contracts for residential treatment
28 services for these children be finalized by May 1st of
29 each year, thus allowing the residential treatment
30 facilities to plan and budget their operation on an
31 orderly basis. The bill requires that the Committee
32 for Interdepartmental Coordination of Services to
33 Children and Families, in its contract process,
34 ensures that adequate funding is available to permit
35 residential treatment centers, group homes and
36 community services to attract and retain qualified
37 staff to their agencies.

38 Finally, the bill contains an appropriation
39 provision to fund 3 additional day treatment

1 facilities in unserved or underserved geographic areas
2 to avoid removal of children in these areas from their
3 homes for appropriate treatment; provide funds for a
4 demonstration program for younger children in need of
5 intensive mental health treatment services; and,
6 hopefully, avoid institutional placement at a later
7 time.

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