

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2455

S.P. 935

In Senate, March 4, 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 GILL of Cumberland.

Cosponsored by Representative MANNING of Portland, Senator GAUVREAU of Androscoggin, Representative PINES of Limestone.

STATE OF MAINE

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

1 AN ACT to Require the Department of Human
2 Services to Reimburse Home Health Agencies for
3 the Reasonable Costs of Recruiting,
4 Training and Retaining Qualified Nursing
5 Staff.
6

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

9 22 MRSA §2149 is enacted to read:

1 §2149. Compensation for home health care providers

2 1. Definitions. As used in this section, unless
3 the context otherwise indicates, the following terms
4 have the following meanings.

5 A. "Home health care provider" means an
6 organization designated as a home health agency
7 under rules of the department or certified by
8 Medicare for delivery of home health services.

9 2. Compensation. In determining levels of
10 reimbursement in rate structures established for home
11 health care providers, the department shall:

12 A. Formulate payment rates for various types of
13 care provided based on the service costs
14 attributable to each home health care provider, as
15 determined by such standard methods as the
16 department may establish;

17 B. Adjust rates accordingly, at least annually,
18 for alternative programs to institutional care for
19 optimal service delivery to eligible clients, but
20 not to exceed the costs of nursing home care;

21 C. Recognize the provider's reasonable costs of
22 recruiting, training and retaining qualified
23 staff, including registered nurses, licensed
24 practical nurses, certified nurse aides, home
25 health aides and allied personnel; and

26 D. Implement this subsection in such a manner
27 which does not result in a decrease in numbers of
28 clients or units of service.

29 STATEMENT OF FACT

30 There is a critical shortage of home care staff
31 and especially certified nurse aides in all regions of
32 Maine and the shortage is growing. A result has been
33 that persons eligible for private duty nursing and

1 personal care services and Medicaid waiver services
2 are not receiving needed care. This bill helps
3 alleviate this long-term care crisis by directing the
4 Department of Human Services to revise its
5 reimbursement rates and reflect the costs agencies
6 actually incur in recruiting needed staff and
7 delivering services under these programs. Different
8 labor market conditions do cause service delivery
9 costs to vary within the State. Under the bill, the
10 department's maximum allowable per client payment for
11 home health services would be adjusted up to the cost
12 of nursing home care. Finally, the bill permits the
13 department to establish special adjustments for home
14 care agencies similar to such reimbursements available
15 to nursing homes for unusual costs of recruiting and
16 retaining staff and of training of certified nurse
17 aides and home health aides.

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