

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1252

S.P. 467

In Senate, April 19, 1989

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

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

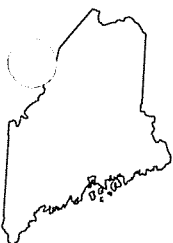
Presented by Senator BUSTIN of Kennebec.

Cosponsored by President PRAY of Penobscot, Representative MANNING of Portland and Representative CLARK of Brunswick.

STATE OF MAINE

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

An Act to Establish the Medicaid Advisory Committee on Mental Health.



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

3 Sec. 1. 5 MRSA §12004-I, sub-§42-A is enacted to read:

5 42-A. Medicaid Advisory Not Authorized 22 MRSA §3189
6 Human Services: Committee on
7 Mental Health Mental Health

9 Sec. 2. 22 MRSA §§3189 and 3190 are enacted to read:

11 §3189. Medicaid Advisory Committee on Mental Health

13 1. Establishment. There is established as authorized in
14 Title 5, section 12004-I, the Medicaid Advisory Committee on
15 Mental Health, referred to in this chapter as the "advisory
16 committee," in order to promote the availability and
17 accessibility of mental health services to Medicaid eligible
18 people by monitoring the operations and provisions established by
19 the Bureau of Medical Services, by assessing the characteristics
20 of programs provided in other states and federal provisions and
21 by advising the Bureau of Medical Services on appropriate
22 policies and actions.

23 2. Membership. The advisory committee shall consist of 7
24 members including: the Director of the Bureau of Children with
25 Special Needs or the director's designee; the Director of the
26 Bureau of Mental Health or the director's designee; one
27 representative of mental health consumers appointed in
28 consultation with a coalition of psychiatrically labeled people;
29 one representative of families affected by mental illness to be
30 appointed in consultation with an alliance for the mentally ill;
31 one representative of providers of mental health services to be
32 appointed in consultation with a state council of community
33 mental health services; and 2 Legislators, one Senator and one
34 member from the House of Representatives. All members shall be
35 appointed jointly by the President of the Senate and the Speaker
36 of the House. The initial appointments to this advisory
37 committee shall be made within 30 days of the effective date of
38 this section. The members of the advisory committee shall select
39 a chair from among their membership.

41 3. Terms of membership; vacancies. The terms of office of
42 appointed members shall be 2 years. Upon expiration of a
43 member's term, the member shall serve until reappointed or until
44 a successor is appointed. Any member may be removed for cause,
45 which shall include excessive absences from meetings of the
46 advisory committee. A vacancy shall be filled for the unexpired
47 term in the same manner in which the initial appointment is made.

49 4. Meetings. The advisory committee shall meet as
50 necessary and may be convened at the call of the chair or any 2
51 members, with the initial meeting to be called by the chair of

1 the Legislative Council. A representative of the Bureau of
3 Medical Services shall participate in all meetings as requested
by the advisory committee.

5 5. Quorum. Five members of the advisory committee shall
7 constitute a quorum. No formal action may be taken by the
advisory committee except by vote of a majority of those present
9 and voting.

11 6. Compensation. Members shall serve without compensation
or reimbursement in accordance with Title 5, chapter 379.

13 7. Powers and duties. The advisory committee has the power
15 and duty to consult with and advise the Commissioner of Human
Services and the staff of the department on the provisions of the
17 Medicaid program for mental health programs in this State.

19 §3190. Compensation for mental health diagnostic, screening,
prevention and rehabilitation services

21 1. Compensation. In determining levels of reimbursement in
23 rate structures established for community mental health provider
agencies, the department shall:

25 A. Formulate payment rates for various types of care
27 provided based on the costs attributable to each category of
29 professional designated as allowed to provide reimbursable
services, as determined by such standard methods as the
department may establish;

31 B. Adjust rates accordingly, at least annually, for optimal
service delivery to eligible clients;

33 C. Recognize the providers' reasonable costs of recruiting,
35 training and retaining qualified staff, including
37 psychiatrists, psychologists, social workers and other
qualified mental health professionals; and

39 D. Implement this subsection in such a manner which does
41 not result in a decrease in numbers of clients or units of
43 service and which does result in any increased revenues
remaining with the providers of service which generated
these revenues.

45 **STATEMENT OF FACT**

47
49 Federal funds representing almost 70% of Medicaid
51 expenditures and about \$3,000,000 provided annually for mental
health services through the Medicaid program represent
significant resources for care and treatment of mentally disabled

1 people in this State. Currently Medicaid reimburses an array of
2 services for children and youth, families and adults through
3 several sections of state rules.

5 Currently there is no formal method for review and revision
6 of policy or program provisions which incorporates the policy or
7 program directions of the Department of Mental Health and Mental
8 Retardation or comprehensive coordination of assessment, service
9 planning or treatment protocols. Determination of costs and
10 establishment of rates of reimbursement for services also occur
11 without formal linkage to the extensive cost-reporting and audit
12 data compiled by service agencies and the Department of Mental
13 Health and Mental Retardation. This bill establishes the
14 Medicaid Advisory Committee on Mental Health.

15 This bill requires annual adjustment of reimbursement rates
16 to reduce the need for the General Fund to subsidize costs of
17 services which are reimbursable. Currently, rates are based on
18 1984 costs, which results in a loss of over \$800,000 in potential
19 federal revenue.
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