

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2210

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S.P. 861

In Senate, January 19, 1990

Reported by Senator GAUVREAU of Androscoggin for the Committee on Human Resources pursuant to Joint Rule 19.

Reference to the Committee on Human Resources suggested and ordered printed pursuant to Joint Rule 19.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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STATE OF MAINE

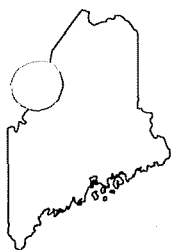
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Increase the Capacity of the State to Provide Mental Health Services.

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2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §3173, 13th ¶,** as repealed and replaced by PL  
5 1979, c. 127, §144, is amended to read:

6 The Department of Human Services may establish fee schedules  
7 governing reimbursement for services provided under this  
8 chapter. In establishing the fee schedules, the department shall  
9 consult with individual providers and their representative  
10 associations. In establishing fee schedules for community mental  
11 health provider agencies, the department shall, using standard  
12 methods established by the department, establish fees for all  
13 services based upon the full reasonable costs, including  
14 training, recruitment and retention, attributable to each  
15 category of service. In determining full reasonable costs for  
16 community mental health services, the department shall consult  
17 the Bureau of Mental Health. The fee schedules shall ~~be~~ are  
18 subject to annual review.

19 **Sec. 2. 34-B MRSA c. 3, sub-c. III, art. III** is enacted to read:

20 **Article III**

21 **RESPITE SERVICES**

22 **§3651. Respite services**

23 1. Program development. The department shall develop a  
24 program for the delivery of respite care services for mentally  
25 ill individuals and their families.

26 2. Program requirements. The department shall establish  
27 criteria for the funding of a demonstration respite care program  
28 that contains at least the following elements:

29 A. The program must be available in areas of the State  
30 providing geographic balance;

31 B. Respite care services must be provided by qualified  
32 mental health professionals as defined by the department;

33 C. Respite care may be provided at the client's home or in  
34 an apartment to be shared by the client and the respite care  
35 worker; and

36 D. Respite care services must be available for a period of  
37 up to 2 weeks.

38 3. Report. The department shall submit a report regarding  
39 the respite care program to the joint standing committee of the  
40 Legislature having jurisdiction over human resource matters by  
41 the date of the next regular session of the Legislature.

2 January 15, 1992. The report must include an evaluation of the  
3 program and recommendations on whether the program should be  
4 continued and expanded.

6 4. Sunset. This section is repealed October 1, 1992.

8 **Sec. 3. Adjustments by the Department of Mental Health and Mental**  
9 **Retardation prohibited.** The Department of Mental Health and Mental  
10 Retardation may not make any reductions in funds to community  
11 mental health providers or decrease the number of clients or  
12 units of service authorized as a result of the adjustments  
13 required in section 1 of this Act.

14 **Sec. 4. Appropriation.** The following funds are appropriated  
15 from the General Fund to carry out the purposes of this Act.

16 **1990-91**

18 **MENTAL HEALTH AND MENTAL RETARDATION,**  
19 **DEPARTMENT OF**

22 **Bureau of Mental Health**

24 All Other **\$840,000**

26 Provides \$800,000 for a demonstration  
27 respite care program and \$40,000 to provide  
28 a support group facilitator for 15 local  
29 family support groups.

32 **STATEMENT OF FACT**

34 This bill requires the Department of Human Services to set  
36 Medicaid reimbursement rates for community mental health services  
37 at a rate that recognizes the full reasonable cost of those  
38 services. Currently, rates are set at a level that is too low,  
39 resulting in the need for the State to cover the non-Medicaid  
40 reimbursed costs of community providers. This bill will permit  
41 the State to take full advantage of federal Medicaid  
42 participation to cover the excess cost of services now being  
43 covered completely with state funds.

44 This bill establishes a respite care services demonstration  
46 program.

48 This bill provides that the savings in state funds resulting  
49 from increased Medicaid reimbursement will continue to be  
50 available for community mental health providers.

2 This bill appropriates funds for the respite care  
demonstration program and for a support group facilitator for  
4 local family support groups.