

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1996

H.P. 1432

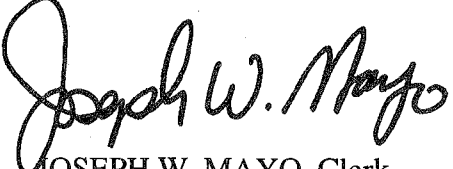
House of Representatives, January 14, 1998

**An Act to Grant the Legislature Additional Oversight of Medicaid Funds
Used by the Department of Human Services for Educational Services.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FARNSWORTH of Portland.
Cosponsored by Representatives: BOLDUC of Auburn, BRENNAN of Portland, COWGER of Hallowell, FULLER of Manchester, GAGNE of Buckfield, TESSIER of Fairfield, TOWNSEND of Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the Department of Human Services has the authority
6 to make rules necessary for the administration of Medicaid funds;
and

8 Whereas, the Department of Human Services is in the process
10 of revising regulations related to the use of Medicaid funds used
for educational services delivered in eligible educational
12 settings; and

14 Whereas, it is in the interest of the State to review,
revise and implement these regulations before municipalities and
16 school administrative units prepare their budgets for the 1998-99
fiscal year; and

18 Whereas, in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 20-A MRSA §7001, sub-§2-A is enacted to read:**

28 2-A. Medicaid. "Medicaid" means the Medicaid program under
30 the provisions of the United States Social Security Act, Title
32 XIX, and successors to it, and related rules of the Department of
Human Services pursuant to Title 22, chapter 855.

34 **Sec. 2. 20-A MRSA §7005, sub-§2 is enacted to read:**

36 2. Compliance with Medicaid provisions for educational
38 services. Any school administrative unit that receives Medicaid
40 funds pursuant to the United States Social Security Act, Title
42 XIX for the provision of Medicaid eligible services through the
educational system to eligible students shall comply with federal
and state law, regulations and rules. Medicaid eligible services
must be provided by qualified service providers approved by the
Department of Human Services, Bureau of Medical Services.

44 **Sec. 3. 20-A MRSA §7727, sub-§7 is enacted to read:**

46 7. Compliance with Medicaid provisions for early
48 intervention services. The state intermediate educational unit
or any regional site that receives Medicaid funds pursuant to the

2 United States Social Security Act, Title XIX for the provision of
3 Medicaid eligible services through the early intervention system
4 to eligible children shall comply with federal and state law,
5 regulations and rules. Medicaid eligible early intervention
6 services must be provided by qualified service providers approved
7 by the Department of Human Services, Bureau of Medical Services.

8 **Sec. 4. 22 MRSA §3571, sub-§4 is enacted to read:**

10 4. Compliance with Medicaid provisions for educational
11 services. A school administrative unit, or the state
12 intermediate educational unit or any regional site within the
13 Child Development Services System, established in Title 20-A,
14 chapter 307-A, may receive funds from the Medicaid program
15 pursuant to the United States Social Security Act, Title XIX for
16 the provision of Medicaid eligible services through the
17 educational system to eligible students or through the early
18 intervention system to eligible children. Medicaid eligible
19 services delivered through the educational system or early
20 intervention system must be provided by qualified service
21 providers approved by the Bureau of Medical Services.

22 **Emergency clause.** In view of the emergency cited in the
23 preamble, this Act takes effect when approved.

26 SUMMARY

28 This bill establishes the authority of the Department of
29 Human Services to determine the necessary regulations that must
30 be adhered to before Medicaid program funds can be used for the
31 provision of Medicaid eligible services delivered through the
32 educational system or the early intervention system. The bill
33 also specifies that Medicaid funds can only be provided for
34 school-based educational services or early intervention services
35 that are provided by qualified service providers approved by the
36 Department of Human Services, Bureau of Medical Services.