

# MAINE STATE LEGISLATURE

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DATE: 4-6-00

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HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 42, Bill, "An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Improve the Quality of Long-term Care Services'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, the quality of care for residents in nursing facilities is threatened by high staff turnover, the burdens of excessive paperwork and the current rates and methods of reimbursement used in the Medicare and Medicaid programs; and

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

Sec. 1. Service and residential option development. Resolved: That the Department of Human Services shall work with the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Maine State Housing Authority, the Department of Public Safety and providers and potential providers of

COMMITTEE AMENDMENT

services and residential options to develop new long-term care services and residential options. The first focus must be on underserved areas of the State and services and options in short supply, including, but not limited to, small residential facilities, adult family care homes, adult day services, assisted living for elders with lower income, specialized dementia care facilities and services for persons living in senior housing sites. The Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001, on the development of new and expanded services and residential options. The joint standing committee of the Legislature having jurisdiction over health and human services matters has authority to report out legislation regarding long-term care services and residential options; and be it further

**Sec. 2. Rule amendment regarding Medicaid long-term care policy and the home care program. Resolved:** That the Department of Human Services shall review and amend its rules regarding Medicaid long-term care policy in order to enhance the flexibility of Medicaid benefits to the extent possible under federal law. The department shall consider the report of the Joint Advisory Committee on Select Services for Older Persons dated January 2000. The review must include but is not limited to the feasibility of amending Medicaid rules to ensure that consumers do not lose critical benefits when they make a transition from the state-funded home care program to the Medicaid program. If the Medicaid program does not offer sufficient flexibility to provide a consumer who receives services under the home care program and who then becomes eligible for Medicaid continued access to a critical service, such as an emergency response system or homemaker service, the department shall amend its rules for the home care program to provide for continuing eligibility for the critical service. Rules adopted pursuant to this section take effect January 1, 2001. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 3. Rule amendment regarding consumers of long-term care services who have chronic conditions that change. Resolved:** That the Department of Human Services shall amend its rules regarding eligibility for nursing facility services to allow for continuing eligibility for consumers of long-term care services who have chronic conditions that change enough to qualify and disqualify them for services on a cyclical basis. Rules adopted pursuant to this section take effect October 1, 2000. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

2           **Sec. 4. Labor force initiatives. Resolved:** That the Department of  
4 Human Services and the State Board of Nursing, in consultation  
6 with consumers, providers and other interested parties, shall  
8 adopt or amend rules and propose such legislation to the  
10 Legislature as may be required to create career ladders and  
12 address labor-shortage issues. By August 1, 2000, the Department  
14 of Human Services and the State Board of Nursing shall amend  
16 their rules to provide for continuing certification on the Maine  
18 Registry of Certified Nursing Assistants of a certified nursing  
20 assistant who, over a 24-month period, performs for 8 hours  
nursing or nursing-related services that are supervised by a  
registered nurse or who participates in continuing education for  
8 hours. The rules may not require that nursing or  
nursing-related services be performed in a nursing facility or  
hospital. The rules must be retroactive for 2 years. Rules  
adopted pursuant to this provision are routine technical rules as  
defined in the Maine Revised Statutes, Title 5, chapter 375,  
subchapter II-A; and be it further

22           **Sec. 5. Rule amendment regarding appeal rights. Resolved:** That  
24 the Department of Human Services shall amend its rules regarding  
26 the appeal rights of consumers in the department's home care  
28 programs to provide for the same appeal rights as in the Medicaid  
30 program and the right to appeal the provisions of an initial care  
plan. Rules adopted pursuant to this section take effect October  
1, 2000. Rules adopted pursuant to this section are routine  
technical rules as defined in the Maine Revised Statutes, Title  
5, chapter 375, subchapter II-A; and be it further

32           **Sec. 6. Provision of best practices forums. Resolved:** That the  
34 Department of Human Services shall participate in a series of  
36 best practices forums to provide educational workshops and  
opportunities to providers of long-term care services. Workshops  
and forums may be cosponsored by entities other than the  
department; and be it further

38           **Sec. 7. Development of standardized contracts and rule adoption.**  
40 **Resolved:** That the Department of Human Services shall develop  
42 and adopt rules to require the use of standardized contracts to  
44 be used for long-term care services between the service provider  
46 and the consumer when appropriate to the service and setting.  
Rules adopted pursuant to this section take effect January 1,  
2001. Rules adopted or amended pursuant to this section are  
routine technical rules as defined in the Maine Revised Statutes,  
Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 8. Rule amendment regarding default licensing. Resolved:**

2 That the Department of Human Services and the Department of  
4 Public Safety shall amend their rules regarding licensing for  
6 long-term care facilities and services to provide for default  
8 licensing for new applicants. The rules must provide that  
10 default licensing takes effect when a new applicant has filed a  
12 completed application, has not been provided the necessary  
14 notifications, inspections or services from state agencies and a  
16 period of more than 90 days has elapsed since notification that  
18 the application is complete. The Department of Human Services  
20 and the Department of Public Safety and persons or entities  
performing functions for those departments shall notify a new  
applicant within 2 weeks of filing by the applicant on whether  
the application is complete. The Department of Human Services  
and the Department of Public Safety shall provide necessary  
services and inspections within 90 days of the filing of the  
completed application. Rules adopted pursuant to this section  
take effect January 1, 2001. Rules adopted pursuant to this  
section are routine technical rules as defined in the Maine  
Revised Statutes, Title 5, chapter 375, subchapter II-A; and be  
it further

**Sec. 9. Expansion of the National Fire Protection Association Life  
Safety Code inspection capacity. Resolved:**

24 That the Department of Human Services, the Department of Public Safety and municipal  
26 fire officials shall work together to devise ways to expand the  
delegation of the National Fire Protection Association Life  
28 Safety Code inspections. The Department of Human Services and  
the Department of Public Safety shall report to the joint  
30 standing committee of the Legislature having jurisdiction over  
health and human services matters by January 1, 2001 on their  
32 progress under this section. The joint standing committee of the  
Legislature having jurisdiction over health and human services  
34 matters has authority to report out legislation on life safety  
code inspections; and be it further

**Sec. 10. Rule amendment regarding the principles of reimbursement  
for nursing facilities. Resolved:**

38 That the Department of Human Services shall amend the principles of reimbursement for nursing  
40 facilities to ensure that reimbursement reflects the current cost  
of providing services in an efficient manner. The department  
42 shall reconsider the provision that allows retention of 25% of  
cost savings in the direct cost component. The revised  
44 principles of reimbursement must merge routine and indirect cost  
components into a single routine cost component category; must  
46 include medical supplies as a direct cost component; must  
incorporate the most recent time-study information; must rebase  
48 to the most recent audited year; must contain an annual inflation  
adjustment appropriate to the industry; must include performance  
50 standards, measurable outcomes and satisfaction surveys

of consumers and family members; must utilize cost caps, including, but not limited to, cost caps for facilities based on size; and must recognize regional variations in labor costs. Rules amended pursuant to this section take effect September 1, 2000. Rules amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 11. Report on long-term care insurance. Resolved:** That the Department of Human Services, the Maine State Retirement System and the State Employee Health Insurance Program shall work together to study the provision of group long-term care insurance to employees of the State and other public sector employees and retirees and to their family members and to the citizens of the State. The study must consider the CalPERS system operating in California, other models used in other states and the feasibility of regional cooperation among states. The State Employee Health Insurance Program is the lead agency in the study and shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by April 1, 2001 regarding the study and any recommendations; and be it further

**Sec. 12. Development of a public awareness campaign. Resolved:** That the Department of Human Services, Bureau of Elder and Adult Services shall coordinate with the Bureau of Health a public awareness campaign that focuses on the benefits of a healthy lifestyle and the need to plan for long-term care. The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 on its progress on the campaign; and be it further

**Sec. 13. Staffing ratios. Resolved:** That, by October 1, 2000, the Department of Human Services shall amend the rules on minimum staffing ratios in long-term care facilities to provide for ratios in accordance with this provision.

1. The minimum staffing ratios may not be less than the following:

A. On the day shift, one direct-care provider for every 5 residents;

B. On the evening shift, one direct-care provider for every 10 residents; and

C. On the night shift, one direct-care provider for every 15 residents.

2           2. The minimum staffing ratio rule must provide definitions  
3 for "direct-care providers" and "direct care" as follows:

4  
5           A. "Direct-care providers" means registered nurses,  
6 licensed practical nurses and certified nursing assistants  
7 who provide direct care to nursing facility residents; and

8  
9           B. "Direct care" means hands-on care provided to residents,  
10 including, but not limited to, feeding, bathing, toileting,  
11 dressing, lifting and moving residents. "Direct care" does  
12 not include food preparation, housekeeping or laundry  
13 services except in circumstances when such services are  
14 required to meet the needs of an individual resident on a  
15 given occasion.

16  
17           The Department of Human Services shall undertake pilot  
18 projects to determine appropriate staffing ratios for mealtimes  
19 and shall report on progress on the pilot projects to the joint  
20 standing committee of the Legislature having jurisdiction over  
21 health and human services matters by January 1, 2001.

22  
23           The Department of Human Services shall begin work to develop  
24 staffing ratios based on resident acuity level. In developing  
25 the new staffing ratios, the department shall contract with one  
26 or more experts in nurse staffing research and long-term care who  
27 shall recommend a methodology for determining appropriate  
28 ratios. By May 1, 2001, the Commissioner of Human Services shall  
29 report to the joint standing committee of the Legislature having  
30 jurisdiction over health and human services matters regarding the  
31 progress of the department in developing acuity-based staffing  
32 ratios, a proposal for adopting acuity-based staffing ratios and  
33 any required legislation; and be it further

34  
35           **Sec. 14. Rule amendment regarding licensing and surveys of**  
36 **providers of long-term care services. Resolved:** That, consistent with  
37 the requirements of the federal Medicaid and Medicare programs,  
38 the Department of Human Services shall amend its rules regarding  
39 the duration of licenses for providers of long-term care services  
40 and the surveys required of those providers. In preparing the  
41 amendments, the department shall consider performance standards,  
42 recognized standards of best practice, desired and measurable  
43 outcomes and satisfaction surveys of consumers and their  
44 families. To the extent not in conflict with the requirements of  
45 applicable federal programs, the rules must provide for the  
46 reasonable lengthening of license periods and some relaxation of  
47 survey requirements for providers of services with a documented  
48 track record of consistently high-quality service delivery as  
49 measured by performance standards and other appropriate  
50 criteria. Rules adopted pursuant to this section take effect  
July 1, 2001. Rules adopted or amended pursuant to

2 this section are major substantive rules as defined in the Maine  
Revised Statutes, Title 5, chapter 375, subchapter II-A; and be  
it further

4  
6 **Sec. 15. Rule amendment regarding assessment for eligibility for  
reimbursement under the Medicaid program for long-term care services.**

8 **Resolved:** That the Department of Human Services shall review its  
rules for determining eligibility for reimbursement under the  
10 Medicaid program for long-term care. The review process must  
include consumers, providers and other interested persons. It  
12 must identify ways to make the process of assessment of medical  
condition and cognitive function more flexible without  
14 undermining its objectivity. The review must include, but is not  
limited to, providing the nurse assessor authority to utilize  
16 professional skills and to consider input from the consumer's  
family and physician. The review should include the  
18 establishment of guidelines to provide to the nurse assessor  
standards with regard to consumer need and care plan  
20 development. The rules must eliminate the requirement of  
automatic annual assessments of the medical condition of  
22 consumers whose medical conditions are unlikely to improve  
sufficiently to cause a change in their eligibility for  
24 services. The review process must also include verification of  
financial information in the process of determining financial  
26 eligibility and cost-sharing for state-funded services. Rules  
adopted pursuant to this section take effect October 1, 2000.  
28 Rules adopted or amended pursuant to this section are routine  
technical rules as defined in the Maine Revised Statutes, Title  
5, chapter 375, subchapter II-A; and be it further

30  
32 **Sec. 16. Development of aging in place pilot projects. Resolved:**

34 That the Department of Human Services shall undertake aging in  
place pilot projects that allow consumers to receive increasing  
36 levels of services as their needs for care increase over time  
without their having to change residential settings. The  
38 projects must provide for increased reimbursement for services as  
the need for those services increases. In developing the  
40 projects, the department shall consider input from the Department  
of Mental Health, Mental Retardation and Substance Abuse Services  
and its providers. Rules adopted pursuant to this section take  
42 effect July 1, 2001. Rules adopted or amended pursuant to this  
section are routine technical rules as defined in the Maine  
44 Revised Statutes, Title 5, chapter 375, subchapter II-A; and be  
it further

46  
48 **Sec. 17. Development of voucher or flexible funding pilot projects in  
long-term care. Resolved:**

That the Department of Human Services shall undertake pilot projects that provide vouchers or flexible funding in which consumers qualify for long-term care



A. 1. 6.

2 services and may choose the manner in which they are delivered  
and the service provider. The pilot projects may be provided  
4 under the Medicaid program or under state-funded long-term care  
programs. In developing the projects, the department shall  
6 consider input from the Department of Mental Health, Mental  
Retardation and Substance Abuse Services and its providers.  
8 Rules adopted pursuant to this section take effect January 1,  
2001. Rules adopted or amended pursuant to this section are  
10 routine technical rules as defined in the Maine Revised Statutes,  
Title 5, chapter 375, subchapter II-A; and be it further

12 **Sec. 18. Review of reimbursement under the Medicaid program.**

**Resolved:** That the Department of Human Services shall review its  
14 rules on reimbursement for assisted living and home care services  
and shall report to the joint standing committee of the  
16 Legislature having jurisdiction over health and human services  
matters by January 1, 2001 its recommendations for including in  
18 the reimbursement formulas for those services, factors for acuity  
of consumer condition, level of need for services, performance  
20 standards and consumer satisfaction surveys; and be it further

22 **Sec. 19. Establishment of the Long-term Care Implementation**

**Committee. Resolved:** That there is established the Long-term  
24 Care Implementation Committee, referred to in this section as the  
"committee," to monitor the progress of state departments and  
26 offices in implementing the provisions of this resolve. The  
committee shall review the adoption and amendment of rules  
28 performed in response to this resolve and may make  
recommendations to the Department of Human Services and to the  
30 joint standing committee of the Legislature having jurisdiction  
over health and human services matters for amendments to those  
32 rules. The committee shall review the quality of care in the  
long-term care system.

34  
**1. Membership.** The committee consists of 13 members. The  
36 President of the Senate shall appoint 5 members as follows: one  
member representing providers; one member representing the  
38 Long-term Care Steering Committee; one member representing  
consumers of long-term care services; and 2 Legislators, one  
40 representing the joint standing committee of the Legislature  
having jurisdiction over health and human services matters and  
42 one representing the joint standing committee of the Legislature  
having jurisdiction over appropriations and financial affairs.  
44 One Legislator must represent the majority party and one  
Legislator must represent the minority party. The Speaker of  
46 the House of Representatives shall appoint 5 member as follows:  
one person representing providers; one member representing the  
48 long-term care ombudsman program; one member representing

consumers of long-term care services; and 2 Legislators, one representing the joint standing committee of the Legislature having jurisdiction over health and human services matters and one representing the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One Legislator must represent the majority party and one Legislator must represent the minority party. The Commissioner of Human Services or the commissioner's designee and 2 other persons representing the Department of Human Services, appointed by the commissioner, are ex officio members of the committee. All appointments must be complete by January 1, 2001.

**2. Meetings.** The committee may meet up to 9 times per year. The committee members shall select 2 persons from among the members to serve as cochairs. Persons serving as cochairs may serve in that capacity for a maximum of 12 months. The Department of Human Services shall provide staff and support services. Committee members not otherwise reimbursed for expenses of attending meetings are entitled to reimbursement.

**3. Duties.** The committee shall report by February 1, 2001; February 1, 2002; and December 31, 2002 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The report must include activities of the committee in the prior year, the opinion of the committee on the progress being made to implement this resolve and any recommendations for action, including recommending necessary legislation to the Legislature. This section is repealed January 1, 2003; and be it further

**Sec. 20. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**2000-01**

**HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers**

All Other \$500,000

Provides for the appropriation of funds to increase wages for home-care workers by \$1 per hour.

**Medical Care - Payments to Providers**

All Other \$3,691,943

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 42

2 Provides for the appropriation of funds to  
develop new long-term care services and  
4 options. Funds appropriated for this  
purpose may not be used for any other  
6 purpose.

8 **Nursing Facilities**

All Other \$731,000

10 Provides for the appropriation of funds to  
12 provide continuing eligibility for consumers  
of long-term care services who have chronic  
14 conditions that change.

16 **Nursing Facilities**

18 All Other \$2,500,000

20 Provides for the appropriation of funds to  
ensure that the principles of reimbursement  
22 for nursing facilities reflect the current  
cost of providing services in an efficient  
24 manner.

26 **Nursing Facilities**

28 All Other \$1,875,000

30 Provides for the appropriation of funds to  
increase the minimum staffing ratios in  
32 long-term care facilities.

34 **Nursing Facilities**

36 All Other \$600,000

38 Provides for the appropriation of funds for  
the costs associated with reassessment of  
40 eligibility for reimbursement under the  
Medicaid program for long-term care services.  
42

44 **Long-term Care - Human Services**

All Other \$1,210,000

46 Provides for the appropriation of funds to  
48 provide services to persons on waiting lists  
for home-based care.

2	<b>Long-term Care - Human Services</b>	
4	All Other	\$600,000
6	Provides for the appropriation of funds to	
8	increase wages for home-care workers by \$1	
	per hour.	
10	<b>Long-term Care - Human Services</b>	
12	All Other	\$90,000
14	Provides for the appropriation of funds for	
16	increased costs of home-care programs due to	
	changes in the cost-sharing formula.	
18	<b>Long-term Care - Human Services</b>	
20	All Other	\$173,000
22	Provides for the appropriation of funds to	
24	ensure flexibility and continuity of care	
26	for Medicaid and home-care programs. This	
	appropriation may be used for personal	
	emergency response systems only.	
28	<b>Long-term Care - Human Services</b>	
30	All Other	\$45,000
32	Provides for the appropriation of funds for	
34	the costs associated with appeal rights in	
	the home-care programs.	
36	<b>Long-term Care - Human Services</b>	
38	All Other	\$50,000
40	Provides for the appropriation of funds to	
42	develop aging in place pilot projects in	
	long-term care.	
44	<b>Long-term Care - Human Services</b>	
46	All Other	\$25,000
48	Provides for the appropriation of funds to	
50	establish the Long-term Care Implementation	
	Committee.	

H. 05

2 **Bureau of Elderly and Adult Services**

4 All Other \$324,520

6 Provides for the appropriation of funds to  
develop new long-term care services and  
8 options. Funds appropriated for this  
purpose may not be used for any other  
10 purpose.

12 **Congregate Housing**

14 All Other \$630,000

16 Provides for the appropriation of funds to  
develop new long-term care services and  
18 options. Funds appropriated for this  
purpose may not be used for any other  
20 purpose.

22 **DEPARTMENT OF HUMAN SERVICES  
TOTAL**

\$13,045,463

; and be it further

26 **Sec. 21. Allocation. Resolved:** That the following funds are  
28 allocated from the Federal Expenditures Fund to carry out the  
purposes of this resolve.

30 **2000-01**

32 **HUMAN SERVICES, DEPARTMENT OF**

34 **Medical Care - Payments to Providers**

36 All Other \$976,887

38 Provides for the allocation of funds for the  
40 federal match to increase wages for  
home-care workers by \$1 per hour.

42 **Medical Care - Payments to Providers**

44 All Other \$3,426,026

46 Provides for the allocation of funds for the  
48 federal match to develop new long-term care  
services and options. Funds allocated for  
50 this purpose may not be used for any other  
purpose.

H.S.

2 **Nursing Facilities**

4 All Other \$1,428,208

6 Provides for the allocation of funds for the  
8 federal match to provide continuing  
10 eligibility for consumers of long-term care  
12 services who have chronic conditions that  
14 change.

12 **Nursing Facilities**

14 All Other \$4,884,434

16 Provides for the allocation of funds for the  
18 federal match to ensure that the principles  
20 of reimbursement for nursing facilities  
22 reflect the current cost of providing  
24 services in an efficient manner.

22 **Nursing Facilities**

24 All Other \$3,663,325

26 Provides for the allocation of funds for the  
28 federal match to increase the minimum  
30 staffing ratios at long-term care facilities.

30 **Nursing Facilities**

32 All Other \$1,172,264

34 Provides for the allocation of funds for the  
36 federal match for the costs associated with  
38 reassessment of eligibility for  
reimbursement under the Medicaid program for  
long-term care services.

40 **DEPARTMENT OF HUMAN SERVICES**  
42 **TOTAL**

\$15,551,144

44 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.'

46 Further amend the bill by inserting at the end before the  
48 summary the following:

R. S.

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FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

General Fund	\$13,045,463
Other Funds	15,551,144

REVENUES

Other Funds	\$15,551,144
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This resolve includes General Fund appropriations totaling \$13,045,463 and allocations from the Federal Expenditures Fund totaling \$15,551,144 in fiscal year 2000-01.

Of this amount, a General Fund appropriation of \$1,210,000 is included in fiscal year 2000-01 for the Department of Human Services to provide services to persons on waiting lists for home-based care including elders and adults with disabilities, Alzheimer's respite care, homemaker services and adult day services.

This resolve includes General Fund appropriations of \$1,100,000 in fiscal year 2000-01 for the Department of Human Services to increase wages for home care workers by \$1 per hour. This resolve also includes a Federal Expenditures Fund allocation of \$976,887 in fiscal year 2000-01 for the associated federal match.

This resolve includes a General Fund appropriation of \$90,000 in fiscal year 2000-01 for the Department of Human Services for increased costs of home-care programs due to changes in the cost-sharing formula.

This resolve includes a General Fund appropriation of \$4,646,463 in fiscal year 2000-01 for the Department of Human Services to work with the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Maine State Housing Authority, the Department of Public Safety and providers and potential providers of long-term care services and residential options to develop new long-term care services and options. This resolve also includes a Federal Expenditures Fund allocation of \$3,426,026 in fiscal year 2000-01 for the associated federal match.

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 42

2 This resolve includes a General Fund appropriation of  
4 \$173,000 in fiscal year 2000-01 for the Department of Human  
6 Services to review and amend its rules regarding Medicaid  
8 long-term care policy in order to enhance the flexibility of  
Medicaid benefits to the fullest extent under the federal law and  
provide continued access to critical services when a consumer in  
a home care program becomes eligible for Medicaid.

10 This resolve includes a General Fund appropriation of  
12 \$731,000 in fiscal year 2000-01 for the Department of Human  
14 Services to allow for continuing eligibility for consumers of  
16 long-term care services who have chronic conditions that change.  
This resolve also includes a Federal Expenditures Fund allocation  
of \$1,428,208 in fiscal year 2000-01 for the associated federal  
match.

18 This resolve includes a General Fund appropriation of  
20 \$45,000 in fiscal year 2000-01 for the costs associated with the  
22 Department of Human Services amending its rules regarding the  
24 appeal rights of consumers in the department's home care programs  
to provide for the same appeal rights as in the Medicaid program  
and the right to appeal the provisions of an initial care plan.

26 This resolve includes a General Fund appropriation of  
28 \$2,500,000 in fiscal year 2000-01 for the Department of Human  
30 Services to amend its principles of reimbursement for nursing  
32 facilities to ensure that the reimbursement reflects the current  
cost of providing services in an efficient manner. This resolve  
includes a Federal Expenditures Fund allocation of \$4,884,434 in  
fiscal year 2000-01 for the associated federal match.

34 This resolve includes a General Fund appropriation of  
36 \$1,875,000 in fiscal year 2000-01 for the Department of Human  
38 Services to increase the minimum staffing ratios in long-term  
care facilities. This resolve also includes a Federal  
Expenditures Fund allocation of \$3,663,325 in fiscal year 2000-01  
for the associated federal match.

40 This resolve includes a General Fund appropriation of  
42 \$600,000 in fiscal year 2000-01 for the Department of Human  
44 Services to review and revise its rules for determining  
46 eligibility for reimbursement under the Medicaid program for  
long-term care services. This resolve also includes a Federal  
Expenditures Fund allocation of \$1,172,264 in fiscal year 2000-01  
for the associated federal match.

48 This resolve includes a General Fund appropriation of  
50 \$50,000 in fiscal year 2000-01 for the Bureau of Elder and Adult  
Services within the Department of Human Services to undertake

**COMMITTEE AMENDMENT**



H. 65

2 pilot projects that provide vouchers or flexible funding to  
consumers who qualify for long-term care services.

4 This resolve includes a General Fund appropriation of  
\$25,000 in fiscal year 2000-01 for the Department of Human  
6 Services to establish the Long-term Care Implementation Committee  
to monitor the progress of state departments and offices in  
8 implementing the provisions of this legislation.

10 The Department of Human Services will incur minor additional  
costs to: develop, review, amend and adopt rules; participate in  
12 best practices forums regarding long-term care services; devise  
ways to expand delegation of National Fire Protection Association  
14 Life Safety Code inspectors; study the provision of group  
long-term care insurance; work on a public awareness campaign on  
16 the benefits of a healthy lifestyle; and undertake aging in place  
pilot projects. These costs can be absorbed within the  
18 department's existing budgeted resources.

20 The Maine State Housing Authority, the Department of Public  
Safety, the Office of State Employee Health within the Department  
22 of Administrative and Financial Services, the Maine State  
Retirement System and the State Board of Nursing within the  
24 Department of Professional and Financial Regulation will incur  
some minor additional costs to work with the Department of Human  
26 Services. These costs can be absorbed within the agencies's  
existing budgeted resources.

28 The Legislature will require additional General Fund  
30 appropriations beginning in fiscal year 2001-02 for the per diem  
and expenses of legislative members of the Long-term Care  
32 Implementation Committee. The estimated future costs in fiscal  
years 2001-02 and 2002-03 will be approximately \$2,940 and  
34 \$2,100, respectively.'

36  
38

**SUMMARY**

40 This amendment replaces the bill with a resolve. The  
amendment appropriates \$13,045,463 to improve the quality of  
42 long-term care services. It contains the following provisions.

44 1. The amendment appropriates funds for home-based and  
community-based services for elderly adults and persons with  
46 disabilities on waiting lists for long-term care services. It  
provides funding to increase wages to direct-care workers by \$1  
48 per hour. It includes funding for increased cost of home care  
programs due to changes in the cost-sharing formula. It  
appropriates \$4,000,000 for these purposes.

**COMMITTEE AMENDMENT**

2           2. The amendment directs the Department of Human Services,  
Department of Mental Health, Mental Retardation and Substance  
4 Abuse Services, the Department of Public Safety and the Maine  
State Housing Authority to work with providers of long-term care  
6 services and residential options to develop new services and  
options. It appropriates \$4,600,000 for this purpose.

8  
10           3. The amendment directs the Department of Human Services  
to amend its rules regarding Medicaid and home care programs to  
12 ensure flexibility and continuity of care. It appropriates  
\$173,000 for this purpose.

14           4. The amendment directs the Department of Human Services  
to amend its rules regarding eligibility for long-term care  
16 services to provide for continuing eligibility for consumers of  
long-term care services who have chronic conditions that change  
18 on a cyclical basis. It appropriates \$731,000 for this purpose.

20           5. The amendment directs the Department of Human Services  
and the State Board of Nursing to work with consumers, providers  
22 and interested parties to adopt or amend rules to address labor  
shortage issues and create career ladders.

24           6. The amendment directs the Department of Human Services  
26 to amend its rules regarding appeal rights in the department's  
home care programs. It appropriates \$45,000 for this purpose.

28           7. The amendment directs the Department of Human Services  
30 to participate in best practices forums regarding long-term care  
services.

32           8. The amendment directs the Department of Human Services  
34 to develop and adopt rules to require the use of standardized  
contracts for long-term care services.

36           9. The amendment directs the Department of Human Services  
38 and the Department of Public Safety to amend their rules  
regarding licensing for long-term care services to provide for  
40 default licensing for new applicants under certain conditions.

42           10. The amendment directs the Department of Human Services,  
the Department of Public Safety and municipal fire officials to  
44 work together to devise ways to expand delegation of the National  
Fire Protection Association Life Safety Code inspections.

46           11. The amendment directs the Department of Human Services  
48 to amend the principles of reimbursement for nursing facilities  
to ensure that reimbursement reflects the current cost of  
50 providing services in an efficient manner. It appropriates  
\$2,500,000 for this purpose.

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- 2           12. The amendment directs the Department of Human Services,  
4           the Maine State Retirement System and the State Employee Health  
6           Program to work together to study the provision of group  
            long-term care insurance.
- 8           13. The amendment directs the Department of Human Services,  
10          Bureau of Elder and Adult Services and the Bureau of Health to  
            work together on a public awareness campaign on the benefits of a  
            healthy lifestyle and long-term care insurance.
- 12          14. The amendment requires the Department of Human Services  
14          to adopt rules increasing the minimum staffing ratios in  
16          long-term care. It defines direct care and direct-care  
18          providers. It requires pilot projects on mealtime ratios and a  
            report to the joint standing committee of the Legislature having  
            jurisdiction over health and human services matters by January 1,  
            2001. It appropriates \$2,500,000 for this purpose.
- 20          15. The amendment requires the Department of Human Services  
22          to review its rules and, to the extent consistent with federal  
24          law and regulations, to amend the rules regarding duration of  
            licenses for providers of long-term care services and surveys for  
            those providers.
- 26          16. The amendment directs the Department of Human Services  
28          to review its rules regarding medical eligibility for  
30          reimbursement for services under the Medicaid program for  
32          long-term care. The amended rule must be flexible, objective,  
            provide standards for the nurse assessor and consider input from  
            the consumer's family and physician. It appropriates \$600,000  
            for this purpose.
- 34          17. The amendment requires the Department of Human  
36          Services, considering input from the Department of Mental Health,  
            Mental Retardation and Substance Abuse Services and its  
38          providers, to undertake aging in place pilot projects.
- 40          18. The amendment requires the Department of Human  
42          Services, considering input from the Department of Mental Health,  
            Mental Retardation and Substance Abuse Services and its  
44          providers, to undertake pilot projects that provide vouchers or  
            flexible funding for long-term care services. It appropriates  
            \$50,000 for this purpose.
- 46          19. The amendment requires the Department of Human Services  
48          to review its rules on reimbursement for long-term care services  
50          and report to the joint standing committee of the Legislature  
            having jurisdiction over health and human services matters by  
            January 1, 2001 its recommendations for including in the

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reimbursement formulas a factor for acuity of consumer condition and level of need for services.

20. The amendment establishes the Long-term Care Implementation Committee to monitor the progress of state departments and offices in implementing the legislation. The 13-member committee may meet up to 9 times per year. The Department of Human Services provides staffing and support services. The committee must report periodically to the joint standing committee of the Legislature having jurisdiction over health and human services matters. This provision is repealed on January 1, 2003.

The total cost of these provisions is \$15,224,000 in General Fund money.

21. The amendment adds an appropriation section, allocation section and fiscal note to the bill.