

# MAINE STATE LEGISLATURE

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R.S.

L.D. 1341

DATE: 2-13-04

(Filing No. H-695)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 987, L.D. 1341, "Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies"

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

**'Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies while Maintaining Budget Neutrality'**

Further amend the resolve 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, immediate relief from regulatory burdens will produce fiscal savings for home health agencies and the Department of Human Services; 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. Adopt rules. Resolved:** That by July 1, 2004 the Department of Human Services shall amend the rules regarding

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 987, L.D. 1341

2 medical assessment for long-term care services reimbursed under  
the MaineCare program as they pertain to assessments for home  
4 health care services under Rule Chapter 101, the MaineCare  
Benefits Mannual, Ch. II - Section 40 of the department's rules.  
6 The amended rules may move the initial period prior to an  
assessment from no less than 60 days to no more than 120 days.  
8 Any resulting rule must be cost neutral to the home health  
program under Rule Chapter 101, the MaineCare Benefits Manual,  
10 Ch. II - Section 40 of the department's rules within the  
MaineCare program. By April 1, 2005, the Department of Human  
12 Services shall report to the joint standing committee of the  
Legislature having jurisdiction over health and human services  
14 matters regarding the experience of the department and the home  
health agencies under the 120-day period prior to initial  
16 assessment and the fiscal implications for the MaineCare  
program. Rules adopted pursuant to this section are routine  
18 technical rules as defined in the Maine Revised Statutes, Title  
5, chapter 375, subchapter 2-A.

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

22

24 **SUMMARY**

26 This amendment adds emergency language to the resolve. It  
directs the Department of Human Services to adopt rules regarding  
28 medical assessment for home health care services under Rule  
Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40.  
30 The rules may move the initial assessment period from no less  
than 60 days to no more than 120 days. The resulting rule must  
32 be cost neutral. The amendment requires a report by April 1,  
2005. The amendment also changes the title.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1341**

**Resolve, Directing the Department of Human Services To Adopt Rules  
To Reduce Regulatory Burdens on Home Health Agencies**

**LR 0092(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund

**Fiscal Detail and Notes**

The fiscal note assumes the amended rules will be cost-neutral as required in this resolve. Any additional cost to the Department of Human Services in amending these rules can be absorbed by the department utilizing existing budgetary resources.