

# MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

Reported by:

REPORT 'A'

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT 'A' to S.P. 613, L.D. 1681, Bill, "An Act To Encourage Financial Efficiency of Facilities for Persons with Mental Retardation"

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

'An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules'

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 of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Human Services is currently considering revisions to the principles of reimbursement for intermediate care facilities for persons with mental retardation; and

Whereas, changes to the principles of reimbursement for intermediate care facilities for persons with mental retardation may have significant implications for the home and community-based services waiver program for persons with mental retardation and for the quality of life for citizens of the State with mental retardation; 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

COMMITTEE AMENDMENT

necessary for the preservation of the public peace, health and safety; now, therefore,

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

6 **Sec. 1. 22 MRSA §3187**, as amended by PL 1995, c. 462, Pt. A, §43, is further amended to read:

8 **§3187. Principles of reimbursement; rules**

10 The department shall meet annually with providers of ~~community-based~~ community-based intermediate care facilities for the mentally retarded to review current principles of reimbursement under the federal Social Security Act, Title XIX, 42 United States Code, ~~chapter~~ Chapter 7, and discuss necessary and appropriate changes.

18 Principles of reimbursement established for intermediate care facilities for the mentally retarded ~~shall--assure~~ must ensure maximum flexibility enabling facilities to shift variable cost funds within accounts established pursuant to the principles. These principles ~~shall~~ may not set any artificial limits on specific variable cost accounts as long as facility totals are met.

26 Rules regarding principles of reimbursement for intermediate care facilities for the mentally retarded adopted pursuant to section 3173 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

34 **SUMMARY**

36 This amendment replaces the bill and is the majority report. The amendment designates rules regarding principles of reimbursement for intermediate care facilities for persons with mental retardation as major substantive rules.

FISCAL NOTE REQUIRED  
(See attached)

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



**LD 1681**

**An Act To Encourage Financial Efficiency of Facilities for Persons with  
Mental Retardation**

**LR 2256(02)**

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

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

**Majority Report**

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**Fiscal Note**

Undetermined current biennium cost increase - General Fund

**Fiscal Detail and Notes**

Any additional administrative costs to the Department of Human Services can be absorbed by the department utilizing existing budgetary resources. Any additional program costs or lost "savings" resulting from delays in rulemaking currently in progress or assumed in current budget assumptions cannot be determined at this time.