

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1681

S.P. 613

In Senate, December 17, 2003

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

(EMERGENCY)

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

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President DAGGETT of Kennebec.  
Cosponsored by Representative DUDLEY of Portland and  
Senator: BROMLEY of Cumberland, Representatives: ADAMS of Portland, PINGREE of  
North Haven, SIMPSON of Auburn, SUSLOVIC 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  
6           **Whereas,** in July 2003, the Department of Human Services  
amended the principles of reimbursement for intermediate care  
facilities for persons with mental retardation to eliminate the  
8           incentive bonus payments awarded to facilities operating in an  
efficient and economical manner; and

10  
12           **Whereas,** the immediate enactment of this legislation is  
necessary to reinstate the incentive bonus payments to ensure the  
continued operation of efficient and economically run  
14           intermediate care facilities for persons with mental retardation;  
and

16  
18           **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  
20           necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

24                   **Sec. 1. 22 MRSA §3187-A** is enacted to read:

26                   **§3187-A. Intermediate care facility efficiency incentive**

28                   An intermediate care facility for persons with mental  
30                   retardation that limits its variable costs during the fiscal year  
32                   to less than the amounts paid through the variable cost component  
34                   of the final prospective rate is entitled to retain an incentive  
36                   payment equal to 75% of the savings represented by the difference  
between the department's appropriate share of the intermediate  
care facility's allowable expenses and the amount paid by the  
department.

38                   The amount of the incentive payment is determined upon final  
40                   audit and is calculated in the determination of any overpayments  
made by the department.

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

44  
46                   **SUMMARY**

48                   In July 2003, the Department of Human Services amended the  
principles of reimbursement for intermediate care facilities for  
50                   persons with mental retardation to eliminate the provisions that

permitted operators of intermediate care facilities for the  
2 mentally retarded to retain 75% of the savings achieved by an  
economically and efficiently run facility. The bill establishes  
4 that provision as law.