MAINE STATE LEGISLATURE

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2		L.D. 1757
4	DATE: 4-3-06	(Filing No. S- 547)
4		
6	HEALTH AND HUMAN SERVICES	
8	Reported by:	
10	Reproduced and distributed under the of the Senate.	direction of the Secretary
12	STATE OF MAINE	
14	SENATE 122ND LEGISLATURE	
16	SECOND REGULAR SESSION	
18	COMMITTEE AMENDMENT "A" to S.P	674 f D 1757 Dill Ham
20	Act To Improve the MaineCare Program"	
22	Amend the bill by striking out the title and substituting the following:	
24	lan bet Bernedine Continuing Trans	
26	'An Act Regarding Continuing Impr Program'	ovements in the mainetare
28	Further amend the bill by striking out everything after the title and inserting in its place the following:	
30	Emergency preamble. Whereas, acts of the Legislature do not	
32	become effective until 90 days after adjournment unless enacted as emergencies; and	
34		
36	Whereas, authorization for the Human Services to adopt rules with enacted in 2003 with an automatic repe	retroactive application was
38	enacted in 2003 with an automatic repe	ear date of July 1, 2000, and
	Whereas, the automatic repeal of the statutory authorization	
40	for retroactive rules will expire on July 1, 2006 unless action is taken immediately to repeal the automatic repeal clause; and	
42		-
4.4	Whereas, in the judgment of the	
44	create an emergency within the mean Maine and require the following	-
46	necessary for the preservation of the	_

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

safety; now, therefore,

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COMMITTEE AMENDMENT "A" to S.P. 674, L.D. 1757

Sec. 1. 22 MRSA §42, sub-§8, ¶B, as enacted by PL 2003, c. 612, §1, is amended to read:

B. With respect to any services that MaineCare providers have rendered prior to the date of adoption of retroactive rules adopted pursuant to this subsection, such rules may not reduce or otherwise negatively affect the reimbursement or other payments that those providers are entitled to receive under the previously applicable rules. The reimbursement or other payments under the amended rules must be equal to or greater than the reimbursement under the rules previously in effect. The rules may retroactively increase provider reimbursement on an emergency basis if needed to ensure that MaineCare members have access to covered medically necessary services.

Sec. 2. 22 MRSA §42, sub-§8, ¶F, as enacted by PL 2003, c. 612, §1, is repealed.

Sec. 3. Continuing improvements in MaineCare program. The MaineCare Advisory Committee, established pursuant to the MaineCare Benefits Manual, chapter I, section 1.23, shall review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for the continuing improvement of the MaineCare program in order to preserve the long-term capability of the State to provide high quality health care services to MaineCare beneficiaries. The MaineCare Advisory Committee shall also review and monitor changes in the federal Medicaid program and implementation of the provisions of the federal Deficit Reduction Act of 2005, Public Law 109-171.

Sec. 4. Report. The MaineCare Advisory Committee shall report to the Joint Standing Committee on Health and Human Services the results of its review under section 3 and any recommendations the committee has for legislation or rulemaking by the Department of Health and Human Services in an initial report by September 1, 2006 and a final report by January 1, 2007. The report must identify strategies that ensure the sustainability of the MaineCare program while protecting the health and welfare of MaineCare beneficiaries and the viability of Maine's health care provider safety net.

42 provider

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

SUMMARY

This amendment replaces the bill, which was a concept draft. The amendment adds emergency language to the bill. It

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 674, L.D. 1757

amends the laws governing MaineCare, authorizing the Department of Health and Human Services to adopt rules with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The amendment also repeals the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

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The amendment directs the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program. It directs the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

FISCAL NOTE REQUIRED (See attached)

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122nd MAINE LEGISLATURE

LD 1757

2468(02)

An Act To Improve the MaineCare Program

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Fiscal Detail and Notes

The bill's provision giving the Department of Health and Human Services authority to do retroactive rulemaking on an emergency basis to increase MaineCare provider reimbursements could potentially increase MaineCare costs. Any additional costs to the Department of Health and Human Services resulting from this bill can be absorbed by the department utilizing existing budgeted resources.