

MAINE STATE LEGISLATURE

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Date: 5/10/17

L.D. 37
(Filing No. H-217)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 38, L.D. 37, "Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services"

Amend the resolve in section 1 in the last line (page 1, line 19 in L.D.) by striking out the following: "authorized." and inserting the following: 'authorized if the following changes are made to the rule:

1. In section 2054 on reimbursement for contracted services, the rule regarding verification of the cost of services furnished under the contract must be changed to exempt from that requirement contracts with persons or entities that already have contracts with the Department of Health and Human Services and contracts with consultants;

2. In section 3024.12 on provision of a provider's federal income tax return, the rule must be changed to exclude from this requirement leases for office or day program space when the lease agreement is between unrelated parties;

3. In section 3024.3 on leases between individuals or organizations not related by common control or ownership, the rule must be changed to clarify that rule section 3024.3 does not apply to leases for office space or day program space in facilities that are separate from an intermediate care facility for persons with mental retardation (ICF-MR). The rule must provide that, with regard to those leases, the provider must demonstrate that the costs do not exceed prevailing market rates;

4. In section 4011.1.n on reimbursement for directors' and officers' liability insurance in the variable cost component, the provisionally adopted rule is approved. However, to accomplish the purposes of section 4011.1.n, the rule must be changed in section 7021.4 to adjust the base year so that directors' and officers' liability insurance costs are included in base year costs;

5. In section 4140 on reimbursement for a facility's motor vehicle or vehicles, the rule must be changed to allow for reimbursement of more than one vehicle if approved by

COMMITTEE AMENDMENT



COMMITTEE AMENDMENT "A" to H.P. 38, L.D. 37

1 the Department of Health and Human Services, Office of Adults with Cognitive and
2 Physical Disability Services;

3 6. In section 4160 on reimbursement in the variable cost component for legal fees,
4 the rule must be changed to exclude the provisionally adopted language on
5 reimbursement for legal fees and to add language on reimbursement for legal fees that
6 reflects the United States Department of Health and Human Services, Centers for
7 Medicare and Medicaid Services, Provider Reimbursement Manual - Part 1 (Publication
8 15-1), section 2183 on reimbursement for legal fees, so that the rule applies to legal fees
9 and costs that relate to the provider's furnishing of patient care; and

10 7. In section 4171 on reimbursement for staffing while residents are away from the
11 facility at day habilitation programs, the rule must be changed to allow reimbursement of
12 the facility's staffing costs, subject to approval of the facility's staff by the Office of
13 Adults with Physical and Cognitive Disability Services.'

14 **SUMMARY**

15 This amendment amends the resolve to provide approval of the provisionally adopted
16 major substantive rules on reimbursement for intermediate care facilities for persons with
17 mental retardation if certain enumerated changes are made to the rules.

18 **FISCAL NOTE REQUIRED**
19 **(See attached)**



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LD 37

LR 168(02)

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

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor net impact General Fund

Minor net impact Federal Funds

Fiscal Detail and Notes

The net impact on state and federal MaineCare spending is expected to be minor.