

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2063

H.P. 1447

House of Representatives, December 21, 2007

**Resolve, To Preserve Access to Assisted Living Services for Maine's  
Elderly and Disabled Citizens**

(EMERGENCY)

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

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAMPBELL of Newfield.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: CONNOR of Kennebunk, Speaker CUMMINGS of Portland, GILES of  
Belfast, KOFFMAN of Bar Harbor, MILLER of Somerville, MILLETT of Waterford,  
Senators: MITCHELL of Kennebec, NASS of York.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** Freese's Assisted Living Program, Stearns Assisted Living, Merry  
4 Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at  
5 Augusta City Hall and Iris Park Apartments, in their provision of assisted living services  
6 through tax credit projects to ~~the~~ residents of this State who are elderly or who have  
7 disabilities, have not received a MaineCare rate adjustment since 2004 to accommodate  
8 the rising cost of personnel and benefits, food, utilities and insurance; and

9       **Whereas,** 5 of the 7 tax credit assisted living projects finished the last fiscal year in  
10 deficit, placing at risk their ability to continue to provide services; and

11       **Whereas,** some residents of the 7 tax credit assisted living projects require time  
12 away from the projects for hospitalization or rehabilitation and personal reasons, which,  
13 without a reimbursement mechanism for service-hold days in the Department of Health  
14 and Human Services' rules for MaineCare reimbursement, places a financial burden on  
15 the tax credit assisted living projects; and

16       **Whereas,** the current state of fiscal health of the 7 tax credit assisted living projects  
17 places the projects at risk of instability and potential closure, which would displace their  
18 residents and cause an increase in need for scarce residential care services or more  
19 expensive nursing facility care; and

20       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
21 the meaning of the Constitution of Maine and require the following legislation as  
22 immediately necessary for the preservation of the public peace, health and safety; now,  
23 therefore, be it

24       **Sec. 1. MaineCare reimbursement. Resolved:** That the Department of Health  
25 and Human Services shall amend the rules of reimbursement under the MaineCare  
26 program for providers of tax credit assisted living services to increase the reimbursement  
27 rate by 3% beginning October 1, 2008 for the following tax credit assisted living projects:  
28 Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates,  
29 Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and  
30 Iris Park Apartments. Rules adopted pursuant to this section are routine technical rules as  
31 defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it  
32 further

33       **Sec. 2. MaineCare service-hold days. Resolved:** That the Department of  
34 Health and Human Services shall amend the rules of reimbursement under the MaineCare  
35 program for providers of tax credit assisted living services to establish and reimburse for  
36 service-hold days beginning October 1, 2008 for the following tax credit assisted living  
37 projects: Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens  
38 Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City  
39 Hall and Iris Park Apartments. Service-hold reimbursement must be modeled on  
40 MaineCare bed-hold reimbursement for private nonmedical institutions under Chapter  
41 101, the MaineCare Benefits Manual, Section 97.05-4. Service-hold reimbursement must

1 be available during the time period that a resident is away for hospitalization or  
2 rehabilitation and for personal reasons such as therapeutic visits with family or friends.  
3 Rules adopted pursuant to this section are routine technical rules as defined in the Maine  
4 Revised Statutes, Title 5, chapter 375, subchapter 2-A.

5 **Emergency clause.** In view of the emergency cited in the preamble, this  
6 legislation takes effect when approved.

7 **SUMMARY**

8 This resolve directs the Department of Health and Human Services to amend the rules  
9 of reimbursement under the MaineCare program for 7 tax credit assisted living projects to  
10 provide a 3% rate increase and to reimburse for service-hold days, beginning October 1,  
11 2008. The rules are designated routine technical rules. The 7 tax credit assisted living  
12 projects are Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens  
13 Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City  
14 Hall and Iris Park Apartments.