

MAINE STATE LEGISLATURE

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L.D. 2173

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Date: 3-27-08

(Filing No. H- 848)

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STATE OF MAINE

5

HOUSE OF REPRESENTATIVES

6

123RD LEGISLATURE

7

SECOND REGULAR SESSION

8

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11

12

HOUSE AMENDMENT "N" to COMMITTEE AMENDMENT "A" to H.P. 1547,
L.D. 2173, Bill, "An Act To Make Supplemental Appropriations and Allocations for the
Expenditures of State Government and To Change Certain Provisions of the Law
Necessary to the Proper Operations of State Government for the Fiscal Years Ending
June 30, 2008 and June 30, 2009"

13

Amend the amendment by inserting after Part MMMM the following:

14

PART NNNN

15

16

Sec. NNNN-1. 34-B MRSA §3608, sub-§1, ¶E, as amended by PL 2007, c.
286, §8, is further amended to read:

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18

19

E. Develop techniques for identifying and providing services to consumers at risk,
based on the principle that services will be provided as close to the consumer's home
as possible; ~~and~~

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Sec. NNNN-2. 34-B MRSA §3608, sub-§1, ¶F, as enacted by PL 2007, c. 286,
§8, is amended to read:

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F. Enable, among other things, the sharing of confidential client information to the
extent necessary to protect the client's health and safety when it is determined the
client has an urgent need for mental health services. The network members shall
share confidential client information, even without a client's consent, to the extent
necessary to protect the client's health and safety in a period of urgent need for
mental health services when the client lacks the capacity to give consent for the
information sharing or when an exigency exists so that the client's health and safety
is better protected if the information is shared without a delay to obtain consent. A
person or entity participating in good faith in sharing information under this
paragraph is immune from civil liability that might otherwise result from these
actions, including, but not limited to, a civil liability that might otherwise arise under
state or local laws or rules regarding confidentiality of information. The department
shall adopt rules to identify the limits and requirements to be included in the
memoranda. These rules are routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A; and

Roll 8

1 **Sec. NNNN-3. 34-B MRSA §3608, sub-§1, ¶G** is enacted to read:

2 G. Provide consolidated mental health crisis services for children and adults,
3 beginning January 1, 2009, through a memorandum of understanding among
4 providers of mental health services in the network that must include provisions to
5 ensure coordination, eliminate duplication and provide a level of crisis services
6 established by the department.

7 **Sec. NNNN-4. 36 MRSA §2891, sub-§1**, as corrected by RR 2003, c. 2, §116, is
8 amended to read:

9 **1. Hospital.** "Hospital" means an acute care health care facility with permanent
10 inpatient beds planned, organized, operated and maintained to offer for a continuing
11 period of time facilities and services for the diagnosis and treatment of illness, injury and
12 deformity; with a governing board and an organized medical staff offering continuous 24-
13 hour professional nursing care; with a plan to provide emergency treatment 24 hours a
14 day and including other services as defined in rules of the Department of Health and
15 Human Services relating to licensure of general and specialty hospitals; and that is
16 licensed under Title 22, chapter 405 as a general hospital, specialty hospital or critical
17 access hospital. For purposes of this chapter, "hospital" does not include a nursing home
18 or a publicly owned specialty hospital or, for state fiscal years beginning on or after July
19 1, 2008, municipally funded hospitals.

20 **Sec. NNNN-5. 36 MRSA §2891, sub-§1-A** is enacted to read:

21 **1-A. Municipally funded hospital.** "Municipally funded hospital" means Mayo
22 Regional Hospital in Dover-Foxcroft or Cary Medical Center in Caribou.

23 **Sec. NNNN-6. 36 MRSA §2892**, as amended by PL 2005, c. 12, Pt. ZZ, §2, is
24 further amended to read:

25 **§2892. Tax imposed**

26 For the state fiscal year beginning on July 1, 2003, a tax is imposed against each
27 hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as
28 identified on the hospital's most recent audited annual financial statement for that tax
29 year. Delinquent tax payments are subject to Title 22, section 3175-C.

30 For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually
31 against each hospital in the State. The tax is equal to 2.23% of the hospital's net
32 operating revenue as identified in the hospital's audited financial statement for the
33 hospital's taxable year. For the state fiscal year beginning July 1, 2004, the hospital's
34 taxable year is the hospital's fiscal year that ended during calendar year 2002. For the
35 state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal
36 year that ended during calendar year 2003. For state fiscal years beginning on or after
37 July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year
38 that ended during calendar year 2004.

39 For state fiscal years beginning on or after July 1, 2008, the hospital's taxable year is
40 the hospital's fiscal year that ended during calendar year 2006.

41 **Sec. NNNN-7. Memorandum of understanding for consolidated services.**
42 Notwithstanding Part A, sections 27 and 28, reductions in funding by consolidating

10/18

HOUSE AMENDMENT "W" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 mental health crisis services must be accomplished though a memorandum of
2 understanding subject to this section. The Department of Health and Human Services
3 shall design standards for and negotiate the implementation of a memorandum of
4 understanding among providers of mental health services in each community service
5 network that will achieve savings through the consolidation of crisis services for children
6 and adults. The department shall establish criteria for crisis services, including, but not
7 limited to: access to telephone crisis services 24 hours a day, 7 days a week; mobile
8 outreach for face-to-face assessments; crisis stabilization and follow-up; availability of
9 fixed sites; access to psychiatric consultation; agreements with local hospitals;
10 alternatives to inpatient hospital services through residential beds; compliance with the
11 adult consent decree and reduction of the utilization of hospital emergency rooms. The
12 department shall evaluate the impact of the consolidation on consumers and shall report
13 to the joint standing committee of the Legislature having jurisdiction over health and
14 human services matters, by January 1, 2010, on savings achieved and any positive or
15 negative effects on consumer access to services and the quality of crisis services
16 consumers receive.

17 **Sec. NNNN-8. Appropriations and allocations.** The following appropriations
18 and allocations are made.

19 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

20 **Mental Health Services - Child Medicaid 0731**

21 Initiative: Provides funding to partially restore the reduction in funding included in Part
22 A, section 27 related to consolidating crisis services to one provider per district. The
23 corresponding federal match increase is in the Medical Care - Payments to Providers
24 program.

25	GENERAL FUND	2007-08	2008-09
26	All Other	\$0	\$200,000
27			
28	GENERAL FUND TOTAL	\$0	\$200,000

29 **Mental Health Services - Community 0121**

30 Initiative: Provides funding to partially restore the reduction in funding included in Part
31 A, section 27 for community integration services for consumers who are not eligible for
32 MaineCare.

33	GENERAL FUND	2007-08	2008-09
34	All Other	\$0	\$500,000
35			
36	GENERAL FUND TOTAL	\$0	\$500,000

37 **Mental Retardation Waiver - MaineCare 0987**

R.012

HOUSE AMENDMENT "W" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 Initiative: Increases funding for MaineCare home- and community-based waiver services
2 to partially restore funding reductions included in Part A, section 27. The corresponding
3 federal match increase is in the Medical Care - Payments to Providers program.

4	GENERAL FUND	2007-08	2008-09
5	All Other	\$0	\$142,568
6			
7	GENERAL FUND TOTAL	\$0	\$142,568

8	HEALTH AND HUMAN SERVICES,		
9	DEPARTMENT OF (FORMERLY BDS)		
10	DEPARTMENT TOTALS	2007-08	2008-09
11			
12	GENERAL FUND	\$0	\$842,568
13			
14	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$842,568

15 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

16 **Medical Care - Payments to Providers 0147**

17 Initiative: Increases funding for MaineCare home- and community-based waiver services
18 to partially restore funding reductions included in Part A, section 28. The corresponding
19 state funding increases are in the Mental Retardation Waiver - MaineCare program.

20	FEDERAL EXPENDITURES FUND	2007-08	2008-09
21	All Other	\$0	\$254,930
22			
23	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$254,930

24 **Medical Care - Payments to Providers 0147**

25 Initiative: Restores funding for hospital-based physicians reduced in Part A, section 28.

26	GENERAL FUND	2007-08	2008-09
27	All Other	\$0	\$7,282,509
28			
29	GENERAL FUND TOTAL	\$0	\$7,282,509

30	FEDERAL EXPENDITURES FUND	2007-08	2008-09
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HOUSE AMENDMENT

HOUSE AMENDMENT "W" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1	All Other	\$0	\$13,022,827
2			
3	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$13,022,827

4 **Medical Care - Payments to Providers 0147**

5 Initiative: Adjusts funding to reflect an update of the hospital tax base year from 2004 to
 6 2006 and the exclusion of municipally funded hospitals from the tax beginning July 1,
 7 2008.

8	GENERAL FUND	2007-08	2008-09
9	All Other	\$0	(\$11,394,341)
10			
11	GENERAL FUND TOTAL	\$0	(\$11,394,341)

12	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
13	All Other	\$0	\$11,394,341
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$11,394,341

16 **Medical Care - Payments to Providers 0147**

17 Initiative: Appropriates and allocates funds for additional payments to hospitals under the
 18 MaineCare program.

19	GENERAL FUND	2007-08	2008-09
20	All Other	\$0	\$3,269,264
21			
22	GENERAL FUND TOTAL	\$0	\$3,269,264

23	FEDERAL EXPENDITURES FUND	2007-08	2008-09
24	All Other	\$0	\$5,846,206
25			
26	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,846,206

27 **Medical Care - Payments to Providers 0147**

28 Initiative: Provides funding to partially restore the reduction in funding included in Part
 29 A, section 27 related to consolidating crisis services to one provider per district. The

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HOUSE AMENDMENT "N" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 corresponding state match increase is in the Mental Health Services - Community
2 Medicaid program.

3	FEDERAL EXPENDITURES FUND	2007-08	2008-09
4	All Other	\$0	\$357,625
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
		\$0	\$357,625

7	HEALTH AND HUMAN SERVICES,		
8	DEPARTMENT OF (FORMERLY DHS)		
9	DEPARTMENT TOTALS	2007-08	2008-09
10			
11	GENERAL FUND	\$0	(\$842,568)
12	FEDERAL EXPENDITURES FUND	\$0	\$19,481,588
13	OTHER SPECIAL REVENUE FUNDS	\$0	\$11,394,341
14			
15	DEPARTMENT TOTAL - ALL FUNDS	<hr/>	<hr/>
		\$0	\$30,033,361

16	SECTION TOTALS	2007-08	2008-09
17			
18	GENERAL FUND	\$0	\$0
19	FEDERAL EXPENDITURES FUND	\$0	\$19,481,588
20	OTHER SPECIAL REVENUE FUNDS	\$0	\$11,394,341
21			
22	SECTION TOTAL - ALL FUNDS	<hr/>	<hr/>
23		\$0	\$30,875,929

24 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
25 or section number to read consecutively.

26 **SUMMARY**

27 This amendment gives the community service networks the responsibility of
28 providing consolidated mental health crisis services for children and adults, beginning
29 January 1, 2009, through a memorandum of understanding among providers of mental
30 health services in the network that includes provisions to ensure coordination, eliminate

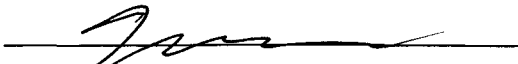
HOUSE AMENDMENT

003

HOUSE AMENDMENT "W" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 duplication and provide a minimum level of crisis services established by the department.
2 This amendment also updates the base year for the hospital tax and excludes municipally
3 funded hospitals from the tax after July 1, 2008.

4 **FISCAL NOTE REQUIRED**
5 (See attached)

6 **SPONSORED BY:** 
7 (Representative MILLS, J.)
8 **TOWN: Farmington**



123rd MAINE LEGISLATURE

LD 2173

LR 3445(06)

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

Fiscal Note for House Amendment "W" to Committee Amendment "A"

Sponsor: Rep. Mills, J. of Farmington

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$0	\$0	\$0
Federal Expenditures Fund	\$0	\$19,481,588	\$19,481,590	\$19,481,590
Other Special Revenue Funds	\$0	\$11,394,341	\$11,394,341	\$11,394,341
Revenue				
Other Special Revenue Funds	\$0	\$11,394,341	\$11,394,341	\$11,394,341

Fiscal Detail and Notes

This amendment will have no net effect on General Fund appropriations and revenue and a balanced budget is maintained for the 2008-2009 biennium.