

# MAINE STATE LEGISLATURE

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Date: 3/25/10

L.D. 1507  
(Filing No. H-782)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1056, L.D. 1507, Bill, "An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process"

Amend the bill by striking out all of the 5th paragraph after the title (page 1, lines 14 and 15 in L.D.)

Amend the bill in the 6th paragraph after the title in the first and 2nd lines (page 1, lines 16 and 17 in L.D.) by striking out the following: "long-term care providers" and inserting the following: 'nursing facilities'

Amend the bill in the 6th paragraph after the title in the 2nd line (page 1, line 17 in L.D.) by striking out the following: "to an amount that will" and inserting the following: 'in order to'

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

**Sec. 1. 22 MRSA §3174-I, sub-§3**, as enacted by PL 1989, c. 498 and amended by PL 2003, c. 689, Pt. B, §6, is repealed and the following enacted in its place:

**3. Rules.** The department shall adopt rules to implement this section. Notwithstanding any other provision of law to the contrary, the rules must require reimbursement of nursing facilities for services rendered to a resident between the date an assessment under this section is due and the date the assessment is complete if:

A. The resident is assessed as medically eligible when the assessment occurs; and

B. The nursing facility has failed to request assessment no more than 2 times in a 12-month period.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**  
**Nursing Facilities 0148**

**COMMITTEE AMENDMENT**

1 Initiative: Appropriates and allocates funds for the costs of reducing the applicability of  
 2 the MaineCare reimbursement penalty for late or missed medical assessments to allow 2  
 3 late assessments without penalty.

4	<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
5	All Other	\$0	\$104,723
6			
7	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$104,723</u>
8	<b>FEDERAL EXPENDITURES FUND</b>	<b>2009-10</b>	<b>2010-11</b>
9	All Other	\$0	\$262,321
10			
11	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$0</u>	<u>\$262,321</u>
12	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
13	All Other	\$0	\$22,614
14			
15	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$22,614</u>
16	<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>2009-10</b>	<b>2010-11</b>
17	All Other	\$0	\$21,504
18			
19	<b>FEDERAL EXPENDITURES FUND ARRA TOTAL</b>	<u>\$0</u>	<u>\$21,504</u>
20	<b>HEALTH AND HUMAN SERVICES,</b>		
21	<b>DEPARTMENT OF (FORMERLY DHS)</b>		
22	<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
23			
24	<b>GENERAL FUND</b>	\$0	\$104,723
25	<b>FEDERAL EXPENDITURES FUND</b>	\$0	\$262,321
26	<b>OTHER SPECIAL REVENUE FUNDS</b>	\$0	\$22,614
27	<b>FEDERAL EXPENDITURES FUND ARRA</b>	\$0	\$21,504
28			
29	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$411,162</u>
30			

31 **SUMMARY**

32 This amendment removes from the bill provisions applicable to private, nonmedical  
 33 and board and care institutions. The amendment requires the department's MaineCare  
 34 reimbursement rules applicable to nursing facilities to allow 2 late assessment referrals

COMMITTEE AMENDMENT "A" to H.P. 1056, L.D. 1507

1 without denial of reimbursement. This amendment also adds an appropriations and  
2 allocations section.

FISCAL NOTE REQUIRED  
(See attached)



# 124th MAINE LEGISLATURE

LD 1507

LR 2436(02)

## An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process

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

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$104,723	\$126,227	\$126,227
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$104,723	\$126,227	\$126,227
Federal Expenditures Fund	\$0	\$262,321	\$262,321	\$262,321
Other Special Revenue Funds	\$0	\$22,614	\$22,614	\$22,614
Federal Expenditures Fund ARRA	\$0	\$21,504	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$22,614	\$22,614	\$22,614

#### Fiscal Detail and Notes

Provides an appropriation of \$104,723 to the Nursing Facilities program in the Department of Health and Human Services for the increase in MaineCare costs resulting from reducing the applicability of the MaineCare reimbursement penalty for late or missed medical assessments to allow two late assessments without penalty.