



125th MAINE LEGISLATURE

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Legislative Document

No. 790

S.P. 219

In Senate, March 1, 2011

Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator ROSEN of Hancock. Cosponsored by Representative MALABY of Hancock and Senator: McCORMICK of Kennebec.

Printed on recycled paper

- 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,** energy efficiency improvements and other capital expenditures at 4 residential care facilities funded by MaineCare require approval; and
- 5 **Whereas,** in order for residential care facilities to receive reimbursement for energy 6 efficiency improvements and other capital expenditures, this resolve must take effect 7 immediately; and
- 8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 9 the meaning of the Constitution of Maine and require the following legislation as 10 immediately necessary for the preservation of the public peace, health and safety; now, 11 therefore, be it
- 12 Sec. 1. Department rules governing reimbursement for energy efficiency improvements and other capital expenditures at MaineCare-funded 13 residential care facilities. Resolved: That the Department of Health and Human 14 Services shall amend its rules governing principles of reimbursement for residential care 15 facilities funded by MaineCare to permit those facilities, without a requirement of prior 16 17 approval, to receive fixed or capital cost reimbursement for new construction, 18 acquisitions, equipment, renovations or other improvements when the aggregate capital 19 expenditure does not exceed \$350,000 in one fiscal year. Capital expenditures for energy 20 efficiency improvements, for replacement equipment, for information systems, for 21 communications systems and for parking lots and garages must be excluded from the cost 22 of the project in determining whether it is subject to review and prior approval. When 23 capital costs subject to review exceed \$350,000 in one fiscal year, residential care 24 facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be reimbursed. The rule requiring 25 modification is Chapter 115: Principles of Reimbursement for Residential Care Facilities 26 27 - Room and Board Costs in Section 20.21(e) relating to energy efficiency improvements 28 and Section 20.5 relating to new construction, acquisitions and renovations. The changes 29 to the rules must be adopted on an emergency basis to be effective immediately upon 30 adoption.
- Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.
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- SUMMARY
- This resolve requires the Department of Health and Human Services to amend its rules regarding residential care facilities funded by MaineCare to provide that fixed or capital cost reimbursement for new construction, acquisitions, equipment, renovations or other improvements when the aggregate capital expenditure does not exceed \$350,000 in one fiscal year does not require prior approval. Capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages must be excluded from the cost

- of the project in determining whether it is subject to review and prior approval. When capital costs subject to review exceed \$350,000 in one fiscal year, facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be reimbursed.