

MAINE STATE LEGISLATURE

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L.D. 1003

Date: 3/15/12

(Filing No. H-788)

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3 EDUCATION AND CULTURAL AFFAIRS

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5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 125TH LEGISLATURE
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 739, L.D. 1003, Bill, "An Act To
10 Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services"

11 Amend the bill by striking out the title and substituting the following:

12 '**Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary**
13 **Services'**

14 Amend the bill by striking out everything after the title and inserting the following:

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

17 **Whereas,** this resolve is intended to provide guidance regarding those portions of
18 the Department of Health and Human Services' MaineCare rules that relate to
19 implementation of special education and related services provided through the Child
20 Development Services System and school administrative units to eligible children served
21 in these settings; and

22 **Whereas,** it is critical that the Department of Education and the Department of
23 Health and Human Services work together with key stakeholders to develop refinements
24 to existing MaineCare policies or develop new policies and guidance on billing
25 procedures as soon as possible to ensure the provision of medically necessary services to
26 students in school-based settings; and

27 **Whereas,** the Department of Education and the Department of Health and Human
28 Services must begin the process of refining current MaineCare policies, developing
29 guidance on billing procedures and preparing any necessary revisions to the state plan to
30 submit to the Federal Government for review and approval prior to the adoption of rules
31 governing Medicaid payment for medically necessary services to eligible children in
32 school-based settings that qualify for reimbursement; and

33 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
34 the meaning of the Constitution of Maine and require the following legislation as

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1 immediately necessary for the preservation of the public peace, health and safety; now,
2 therefore, be it

3 **Sec. 1. Refinement of MaineCare policies. Resolved:** That the Department of
4 Education and the Department of Health and Human Services, referred to in this section
5 as "the departments," shall work together to refine existing policies, develop new policies
6 or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the
7 provision of medically necessary services to students in school-based settings. The
8 refinements to MaineCare policies must:

9 1. Be in compliance with federal law;

10 2. Provide local school districts with options and give them the authority to choose
11 the best option with regard to local needs and capacities;

12 3. Take into consideration the input of stakeholders, including representatives of the
13 Department of Education, the Department of Health and Human Services, the Child
14 Development Services System, the Maine School Management Association, the Maine
15 Administrators of Services for Children with Disabilities and special purpose private
16 schools and agencies that are approved to provide early intervention or special education
17 programs pursuant to the Maine Revised Statutes, Title 20-A, section 7252-B. In order to
18 gather input from stakeholders, the departments shall establish work groups to explore
19 problems with current Medicaid policies and to consider possible solutions to both
20 policies and billing processes. The work groups must include stakeholders and
21 representatives of the following groups, who participate as nonvoting members:

22 A. Two representatives of parents of children with developmental delays or
23 disabilities, one who is appointed by the Disability Rights Center and one who is
24 appointed by the Maine Developmental Disabilities Council; and

25 B. Two representatives of directly affected local school administrative units with
26 expertise in this area, one who is appointed by the President of the Senate and one
27 who is appointed by the Speaker of the House;

28 4. Include provisions for training and support for school staff, including the
29 development of policy and billing manuals and other resources written with school-based
30 providers in mind; and

31 5. Set up an interagency stakeholder body, including representatives of the
32 Department of Education, the Department of Health and Human Services, the Child
33 Development Services System, the Maine School Management Association, the Maine
34 Administrators of Services for Children with Disabilities and special purpose private
35 schools and agencies that are approved to provide early intervention or special education
36 programs pursuant to the Maine Revised Statutes, Title 20-A, section 7252-B, to
37 coordinate the implementation of the program refinements. The interagency stakeholder
38 body must also include representatives of the following groups, who participate as
39 nonvoting members:

40 A. Two representatives of parents of children with developmental delays or
41 disabilities, one who is appointed by the Disability Rights Center and one who is
42 appointed by the Maine Developmental Disabilities Council; and

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1 B. Two representatives of directly affected local school administrative units with
2 expertise in this area, one who is appointed by the President of the Senate and one
3 who is appointed by the Speaker of the House; and be it further

4 **Sec. 2. State plan amendment. Resolved:** That, after due consideration of the
5 input of the stakeholders and relevant work groups established pursuant to section 1, if
6 determined to be appropriate by the Department of Education and the Department of
7 Health and Human Services, the Department of Health and Human Services shall propose
8 changes to the state plan for Medicaid services provided pursuant to the Maine Revised
9 Statutes, Title 22, chapter 855 to permit reimbursement for school-based services by July
10 1, 2012; and be it further

11 **Sec. 3. Report to Legislature. Resolved:** That the Department of Education
12 and the Department of Health and Human Services shall report to the joint standing
13 committee of the Legislature having jurisdiction over education and cultural affairs and
14 the joint standing committee of the Legislature having jurisdiction over health and human
15 services matters on March 30, 2012 on the status of the work undertaken to that date
16 pursuant to this resolve. The report must include, but is not limited to, a timeline that
17 establishes specific dates for each of the following initiatives:

18 1. Proposed policy changes, including refinements to existing policies, new policies
19 to be developed or the preparation of nonregulatory guidance on billing procedures;

20 2. A communication plan to provide details on the implementation of proposed
21 policy changes to the field;

22 3. A plan to provide the training required to school administrative units and the Child
23 Development Services System;

24 4. A detailed budget, including the amount and sources of funding and other
25 resources needed to implement proposed policy changes;

26 5. If determined to be appropriate by the Department of Education and the
27 Department of Health and Human Services, a plan to make any necessary changes to
28 rules; and

29 6. If determined to be appropriate by the Department of Education and the
30 Department of Health and Human Services, a timeline for the preparation, submission
31 and anticipated approval of amendments to the state plan for Medicaid services provided
32 pursuant to the Maine Revised Statutes, Title 22, chapter 855 related to the provision of
33 medically necessary services to eligible children in school-based settings.

34 In addition, the Department of Education and the Department of Health and Human
35 Services shall jointly submit a status report on a monthly basis through June 2012 on the
36 work completed by the Department of Education and the Department of Health and
37 Human Services and the interagency stakeholder body pursuant to this resolve; and be it
38 further

39 **Sec. 4. Goal. Resolved:** That the goal of this resolve is to make sure eligible
40 children get the services they need in the settings they need them in and to ensure those
41 services that qualify as medically necessary services are reimbursed.

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

SUMMARY

This amendment strikes and replaces the bill with a resolve to accomplish the following.

- 1. It adds an emergency preamble and an emergency clause.
- 2. It directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings.
- 3. It provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.
- 4. It requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012 on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

FISCAL NOTE REQUIRED
(See attached)

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Approved: 03/14/12 *MAC*

125th MAINE LEGISLATURE

LD 1003

LR 1574(02)

An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-788)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to work with the Department of Health and Human Services and an interagency stakeholder group associated with refining MaineCare policies related to the provision of medically necessary services to students in school-based settings and to prepare the required report can be absorbed within existing budgeted resources.