

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1628

S.P. 538

In Senate, December 20, 2011

### **An Act To Limit Payment for Care and Treatment of Residents of State Institutions**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.

Cosponsored by Representative STRANG BURGESS of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA §1409, sub-§1, ¶B-1**, as enacted by PL 2005, c. 256, §1, is  
3 amended to read:

4 B-1. "Resident," for purposes of this section and this section only, means any of the  
5 following:

- 6 (1) A person who is an inpatient; or  
7 (2) A person who is an outpatient receiving services from any state institution,  
8 including outpatient clinic services; ~~or~~  
9 (3) ~~A resident of the Homestead facility.~~

10 **Sec. 2. 34-B MRSA §1409, sub-§1, ¶D**, as enacted by PL 2005, c. 683, Pt. B,  
11 §30, is repealed.

12 **Sec. 3. 34-B MRSA §1409, sub-§11, ¶A**, as enacted by PL 1983, c. 459, §7, is  
13 amended to read:

14 A. This subsection may not be construed as a limitation on compensation for  
15 providers of resident care and treatment; ~~and~~

16 **Sec. 4. 34-B MRSA §1409, sub-§11, ¶B**, as enacted by PL 1983, c. 459, §7, is  
17 amended to read:

18 B. This subsection may not be construed as a limitation on contractual arrangements  
19 between the providers and the State; and

20 **Sec. 5. 34-B MRSA §1409, sub-§11, ¶C** is enacted to read:

21 C. For a resident receiving services, including medical care, goods, prescription  
22 drugs and other medications, outside a state institution, the commissioner may pay  
23 the provider of those services an amount no greater than the reimbursement rate  
24 applicable to that provider and that service, as established by rule by the department  
25 for the MaineCare program under Title 22.

26 **Sec. 6. 34-B MRSA §1409, sub-§13**, as amended by PL 2005, c. 256, §4, is  
27 further amended to read:

28 **13. Special revenue account; Riverview Psychiatric Center.** The commissioner  
29 shall establish a special revenue account for the Riverview Psychiatric Center ~~and the~~  
30 ~~Homestead facility~~ and shall deposit into it payments or income received from residents  
31 of the Riverview Psychiatric Center ~~and the Homestead facility~~, the Medicaid program or  
32 other 3rd-party payors. The commissioner shall use the funds on deposit for expenses of  
33 the Riverview Psychiatric Center ~~and the Homestead facility~~.

34 **SUMMARY**

35 This bill limits the amount that a provider may charge the State for medical services  
36 provided to a resident of a state institution outside of the state institution; the amount is

1 restricted to the amount established by the rules of the Department of Health and Human  
2 Services for the MaineCare program for those services. The bill also removes references  
3 to the Homestead facility, which closed in 2007.