

# MAINE STATE LEGISLATURE

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MAJORITY

Majority

1

L.D. 87

2

Date: 4/16/15

(Filing No. H- 77 )

3

HEALTH AND HUMAN SERVICES

4

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5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

127TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 70, L.D. 87, "Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities"

10

11

12

Amend the resolve by striking out all of the emergency preamble.

13

Amend the resolve in section 1 in the 2nd line (page 1, line 16 in L.D.) by inserting after the following: "That" the following: ', by January 1, 2016,'

14

15

Amend the resolve in section 1 by striking out all of subsection 3 (page 1, lines 25 to 28 in L.D.)

16

17

Amend the resolve in section 1 in subsection 4 in the last line (page 1, line 35 in L.D.) by striking out the following: "April 15, 2015." and inserting the following: 'January 1, 2016; and be it further'

18

19

20

Amend the resolve in section 1 by renumbering the subsections to read consecutively.

21

Amend the resolve by adding after section 1 the following:

22

**'Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

23

24

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

25

**Nursing Facilities 0148**

26

Initiative: Provides funding to restore crossover payments to nursing facilities related to the nondual Qualified Medicare Beneficiary program population of the Medicare Savings Program for whom coverage was eliminated in Public Law 2013, chapter 368.

27

28

29

**GENERAL FUND**

**2015-16**

**2016-17**

30

All Other

\$200,641

\$601,923

31

32

**GENERAL FUND TOTAL**

\$200,641

\$601,923

**COMMITTEE AMENDMENT**

1	<b>FEDERAL EXPENDITURES FUND</b>	<b>2015-16</b>	<b>2016-17</b>
2	All Other	\$336,838	\$1,010,515
3			
4	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$336,838</u>	<u>\$1,010,515</u>

5 **Nursing Facilities 0148**

6 Initiative: Provides funding to decrease the occupancy percentage threshold required for a  
 7 nursing facility with more than 60 beds from 90% to 80% and for a nursing facility with  
 8 60 beds or fewer from 85% to 75%.

9	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
10	All Other	\$63,187	\$84,249
11			
12	<b>GENERAL FUND TOTAL</b>	<u>\$63,187</u>	<u>\$84,249</u>

13	<b>FEDERAL EXPENDITURES FUND</b>	<b>2015-16</b>	<b>2016-17</b>
14	All Other	\$106,078	\$141,438
15			
16	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$106,078</u>	<u>\$141,438</u>

17 **Nursing Facilities 0148**

18 Initiative: Adjusts funding to reflect the impact on the nursing home tax from the  
 19 decrease of the occupancy percentage threshold required for a nursing facility with more  
 20 than 60 beds from 90% to 80% and for a nursing facility with 60 beds or fewer from 85%  
 21 to 75%.

22	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
23	All Other	(\$10,156)	(\$13,541)
24			
25	<b>GENERAL FUND TOTAL</b>	<u>(\$10,156)</u>	<u>(\$13,541)</u>

26	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
27	All Other	\$10,156	\$13,541
28			
29	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$10,156</u>	<u>\$13,541</u>

30 **Nursing Facilities 0148**

31 Initiative: Adjusts funding to reflect the impact on the nursing home tax from the  
 32 restoration of crossover payments to nursing facilities related to the nondual Qualified

**ROFS**

COMMITTEE AMENDMENT "A" to H.P. 70, L.D. 87

1 Medicare Beneficiary program population of the Medicare Savings Program for whom  
2 coverage was eliminated in Public Law 2013, chapter 368.

3	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
4	All Other	(\$26,874)	(\$80,622)
5			
6	<b>GENERAL FUND TOTAL</b>	<u>(\$26,874)</u>	<u>(\$80,622)</u>

7	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
8	All Other	\$26,874	\$80,622
9			
10	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$26,874</u>	<u>\$80,622</u>

11 **Nursing Facilities 0148**

12 Initiative: Provides funding to create a critical access nursing facility designation using  
13 criteria that are sensitive to the unique access challenges in remote areas of the State and  
14 provide that a critical access nursing facility designation qualifies as an allowable  
15 exception to MaineCare budget neutrality.

16	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
17	All Other	\$1,760,713	\$2,347,617
18			
19	<b>GENERAL FUND TOTAL</b>	<u>\$1,760,713</u>	<u>\$2,347,617</u>

20 **Nursing Facilities 0148**

21 Initiative: Adjusts funding to reflect the impact on the nursing home tax from the creation  
22 of a critical access nursing facility designation using criteria that are sensitive to the  
23 unique access challenges in remote areas of the State and provide that a critical access  
24 nursing facility designation qualifies as an allowable exception to MaineCare budget  
25 neutrality.

26	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
27	All Other	(\$105,643)	(\$140,857)
28			
29	<b>GENERAL FUND TOTAL</b>	<u>(\$105,643)</u>	<u>(\$140,857)</u>

30	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
31	All Other	\$105,643	\$140,857
32			
33	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$105,643</u>	<u>\$140,857</u>

**COMMITTEE AMENDMENT**

1 **Office of MaineCare Services 0129**  
 2 Initiative: Provides funding for the technology-related costs, including system changes,  
 3 testing and oversight, to implement the recommendations of the Commission To  
 4 Continue the Study of Long-term Care Facilities.

5	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
6	All Other	\$44,674	\$0
7			
8	<b>GENERAL FUND TOTAL</b>	<u>\$44,674</u>	<u>\$0</u>

9	<b>FEDERAL EXPENDITURES FUND</b>	<b>2015-16</b>	<b>2016-17</b>
10	All Other	\$44,674	\$0
11			
12	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$44,674</u>	<u>\$0</u>

13	<b>HEALTH AND HUMAN SERVICES,</b>		
14	<b>DEPARTMENT OF (FORMERLY DHS)</b>		
15	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
16			
17	<b>GENERAL FUND</b>	<b>\$1,926,542</b>	<b>\$2,798,769</b>
18	<b>FEDERAL EXPENDITURES FUND</b>	<b>\$487,590</b>	<b>\$1,151,953</b>
19	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$142,673</b>	<b>\$235,020</b>
20			
21	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$2,556,805</b></u>	<u><b>\$4,185,742</b></u>
22			

23 Amend the resolve by striking out all of the emergency clause.

24 **SUMMARY**

25 This amendment, which is the majority report of the committee, strikes the  
 26 emergency preamble and emergency clause. It requires the Department of Health and  
 27 Human Services to amend the rules on principles of reimbursement for nursing facilities  
 28 in the MaineCare Benefits Manual by January 1, 2016. The amendment removes the  
 29 provision of the resolve that requires the rules to be amended to restore the crossover  
 30 payments to nursing facilities related to nondual qualified Medicare beneficiaries because  
 31 the crossover payments are not part of the principles of reimbursement. The amendment  
 32 also adds an appropriations and allocations section. The appropriations and allocations  
 33 section includes an appropriation and an allocation to restore the crossover payments.

**FISCAL NOTE REQUIRED**  
 (See attached)



# 127th MAINE LEGISLATURE

LD 87

LR 432(02)

Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-77)

Committee: Health and Human Services

Fiscal Note Required: Yes

## Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Net Cost (Savings)</b>				
General Fund	\$1,926,542	\$2,798,769	\$2,798,769	\$2,798,769
<b>Appropriations/Allocations</b>				
General Fund	\$1,926,542	\$2,798,769	\$2,798,769	\$2,798,769
Federal Expenditures Fund	\$487,590	\$1,151,953	\$1,151,953	\$1,151,953
Other Special Revenue Funds	\$142,673	\$235,020	\$235,020	\$235,020
<b>Revenue</b>				
Federal Expenditures Fund	\$487,590	\$1,151,953	\$1,151,953	\$1,151,953
Other Special Revenue Funds	\$142,673	\$235,020	\$235,020	\$235,020

### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$1,926,541 in fiscal year 2015-16 and \$2,798,769 annually beginning in fiscal year 2016-17 to implement the recommendations of the Commission to Continue the Study of Long-term Care Facilities.