

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 647

S.P. 240

In Senate, March 3, 2015

**An Act To Require the Department of Health and Human Services
To Annually Update Its Rules Governing Services for Children with
Cognitive Impairments and Functional Limitations**

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

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.

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

2 **Sec. 1. 22 MRSA §3174-YY** is enacted to read:

3 **§3174-YY. Coverage of rehabilitative and community support services for children**
4 **with cognitive impairments and functional limitations**

5 The department shall by July 1st of each year amend its rules to provide coverage and
6 reimbursement for emerging evidence-based treatments that are rehabilitative and
7 community support services for children with cognitive impairments and functional
8 limitations. For the purposes of this section, "evidence-based treatments" means
9 treatments that are identified by a working group consisting of department staff, providers
10 of services, family members of children who receive services and advocates for children
11 that integrate the best available research with clinical expertise in the context of patient
12 characteristics, culture and preference. Rules adopted pursuant to this section are routine
13 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 2. Rulemaking.** By October 1, 2015, the Department of Health and Human
15 Services shall amend its Rule Chapter 101: MaineCare Benefits Manual, Chapter II,
16 Section 28 regarding specialized services as follows:

17 1. Section 28.01-14 must be amended to include medically necessary treatment
18 services that utilize the process of systematically applying interventions based upon
19 empirically derived principles of behavior or development to improve socially significant
20 behaviors to a measurable degree, and to demonstrate that interventions employed are
21 effective in improving behavior. Section 28.01-14 must also be amended to specify that
22 assessment includes systematic information gathering including interview, direct
23 observation and other evidence-based tools and measures; and

24 2. Section 28.04-2 must be amended to include as specialized services for children
25 with cognitive impairments and functional limitations evidence-based treatment services
26 for members under 21 years of age that utilize interventions designed to improve socially
27 significant behaviors and developmentally appropriate skills to a measurable degree. The
28 services must include problem-solving activities with members and member caregivers.

29 **SUMMARY**

30 This bill requires the Department of Health and Human Services to annually update
31 MaineCare coverage for rehabilitative and community support services for children with
32 cognitive impairments and functional limitations. The bill also requires the department to
33 amend MaineCare rules for those services, specifically amending the definitions of and
34 coverage for specialized services and specialized services for children with cognitive
35 impairments and functional limitations.