

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 804

S.P. 249

In Senate, March 2, 2017

---

**An Act To Establish Long-term Memory Care Facilities and To  
Provide Adequate Staffing and Reimbursement**

---

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative HYMANSON of York and  
Senator: BRAKEY of Androscoggin.

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

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

3 **§3174-ZZ. Memory care facilities**

4 Beginning January 1, 2018, the Department of Health and Human Services shall  
5 provide long-term care services in memory care facilities in accordance with standards  
6 established by the department through rulemaking to persons who qualify under section  
7 3174-G and require assistance with activities of daily living as defined in section 1717,  
8 subsection 1, paragraph A because of cognitive impairments. Rules adopted pursuant to  
9 this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

10 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall adopt  
11 rules to implement the provisions of the Maine Revised Statutes, Title 22, section  
12 3174-ZZ. The rules must provide that memory care facilities that provide assistance with  
13 activities of daily living to persons with memory impairments are staffed at the following  
14 patient-to-staff ratios: on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12  
15 to 1; and on the night shift a ratio of 18 to 1. The rules must provide for rates of  
16 reimbursement for memory care facilities that provide assistance with activities of daily  
17 living to persons with memory impairments at a level that is 50% above the rates of  
18 reimbursement for the highest level of private nonmedical institutions provided by  
19 department rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97.

20 **SUMMARY**

21 This bill requires the Department of Health and Human Services to provide long-term  
22 care services in memory care facilities to persons who qualify under the Maine Revised  
23 Statutes, Title 22, section 3174-G and require assistance with activities of daily living  
24 because of cognitive impairments by January 1, 2018 in accordance with standards  
25 established by the department through routine technical rulemaking. The rules must  
26 provide that memory care facilities that provide assistance with activities of daily living  
27 to persons with memory impairments are staffed at the following patient-to-staff ratios:  
28 on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12 to 1; and on the night  
29 shift a ratio of 18 to 1. The rules must provide for rates of reimbursement for facilities  
30 that provide assistance with activities of daily living to persons with memory impairments  
31 at a level that is 50% above the rates of reimbursement provided for the highest level of  
32 private nonmedical institutions by MaineCare.