

MAINE STATE LEGISLATURE

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Date: 5/25/17

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 701, L.D. 1000, "Resolve, To Increase Access to Brain Injury Waiver Services"

Amend the resolve by striking out all of section 1 and inserting the following:

'Sec. 1. Department of Health and Human Services to increase MaineCare rates. Resolved: That, upon approval of a waiver amendment from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community Based Services for Adults with Brain Injury, to increase rates for Home Support (Residential Habilitation) Level I to no less than \$8.63 per quarter hour. The rules must specify that the increase in reimbursement rates must be applied to wages and benefits for direct support employees. For the purposes of this resolve, "direct support employees" means all employees who work directly with individuals on the waiver and receiving services in the home but does not include administrators and contract labor. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further'

Amend the resolve in section 3 in the last line (page 1, line 22 in L.D.) by striking out the following: "personnel." and inserting the following: 'personnel; and be it further"

Amend the resolve by adding after section 3 the following:

'Sec. 4. Department of Health and Human Services to submit waiver amendment. Resolved: That the Department of Health and Human Services shall submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than October 1, 2017 to request approval to amend the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to increase MaineCare reimbursement rates pursuant to section 1; and be it further

Sec. 5. Increase to employee wages. Resolved: That, to qualify for the rate increase pursuant to section 1, an agency providing direct support employees must

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 701, L.D. 1000

1 demonstrate, to the satisfaction of the Department of Health and Human Services, that an
2 increase in wages and benefits for direct support employees has been granted that equals
3 the amount of increase received as a result of the increased reimbursement. The increase
4 must be granted or paid out retroactively from the date the Department of Health and
5 Human Services begins reimbursing at the increased rates; and be it further

6 **Sec. 6. Appropriations and allocations. Resolved:** That the following
7 appropriations and allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

9 **Medicaid Waiver for Brain Injury Residential/Community Serv Z160**

10 Initiative: Provides funding to increase the rates for services provided under the brain
11 injury waiver, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18 for
12 members receiving Home Support (Residential Habilitation) Level I to no less than \$8.63
13 per quarter hour and to allow up to 400 units of care coordination each year.

14	GENERAL FUND	2017-18	2018-19
15	All Other	\$233,169	\$310,997
16			
17	GENERAL FUND TOTAL	<u>\$233,169</u>	<u>\$310,997</u>

18	HEALTH AND HUMAN SERVICES,		
19	DEPARTMENT OF (FORMERLY BDS)		
20	DEPARTMENT TOTALS	2017-18	2018-19
21			
22	GENERAL FUND	\$233,169	\$310,997
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$233,169</u>	<u>\$310,997</u>

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

26 **Medical Care - Payments to Providers 0147**

27 Initiative: Provides funding to increase the rates for services provided under the brain
28 injury waiver, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18 for
29 members receiving Home Support (Residential Habilitation) Level I to no less than \$8.63
30 per quarter hour and to allow up to 400 units of care coordination each year.

31	FEDERAL EXPENDITURES FUND	2017-18	2018-19
32	All Other	\$506,052	\$674,631
33			
34	FEDERAL EXPENDITURES FUND TOTAL	<u>\$506,052</u>	<u>\$674,631</u>

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1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	All Other	\$47,184	\$62,912
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$47,184</u>	<u>\$62,912</u>
5	HEALTH AND HUMAN SERVICES,		
6	DEPARTMENT OF (FORMERLY DHS)		
7	DEPARTMENT TOTALS	2017-18	2018-19
8			
9	FEDERAL EXPENDITURES FUND	\$506,052	\$674,631
10	OTHER SPECIAL REVENUE FUNDS	\$47,184	\$62,912
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>\$553,236</u>	<u>\$737,543</u>
13	SECTION TOTALS	2017-18	2018-19
14			
15	GENERAL FUND	\$233,169	\$310,997
16	FEDERAL EXPENDITURES FUND	\$506,052	\$674,631
17	OTHER SPECIAL REVENUE FUNDS	\$47,184	\$62,912
18			
19	SECTION TOTAL - ALL FUNDS	<u>\$786,405</u>	<u>\$1,048,540</u>
20			

SUMMARY

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase Home Support (Residential Habilitation) Level I rates to no less than \$8.63 per quarter hour. It requires the increase in reimbursement to go to direct support employees.

This amendment also provides funding to increase the rates.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



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LD 1000

LR 1174(02)

Resolve, To Increase Access to Brain Injury Waiver Services

Fiscal Note for Bill as Amended by Committee Amendment *A (H-295)*
 Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$233,169	\$310,997	\$310,997	\$310,997
Appropriations/Allocations				
General Fund	\$233,169	\$310,997	\$310,997	\$310,997
Federal Expenditures Fund	\$506,052	\$674,631	\$674,631	\$674,631
Other Special Revenue Funds	\$47,184	\$62,912	\$62,912	\$62,912
Revenue				
Federal Expenditures Fund	\$506,052	\$674,631	\$674,631	\$674,631
Other Special Revenue Funds	\$47,184	\$62,912	\$62,912	\$62,912

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$233,169 in fiscal year 2017-18 and \$310,997 in fiscal year 2018-19 to increase the rates for services provided under the brain injury waiver, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18 for members receiving Home Support (Residential Habilitation) Level I to no less than \$8.63 per quarter hour and to allow up to 400 units of care coordination each year. Federal Expenditures Fund allocations are also included for the FMAP match and Other Special Revenue Funds allocations are included for the service provider tax.