

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 593

S.P. 180

In Senate, February 5, 2019

**Resolve, To Stabilize the Behavioral Health Workforce and Avert
More Expensive Treatments**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BREEN of Cumberland.
Cosponsored by Representative MADIGAN of Waterville and
Senators: FOLEY of York, MOORE of Washington, Representatives: BICKFORD of Auburn,
BROOKS of Lewiston, MILLETT of Waterford, MORALES of South Portland, PEOPLES of
Westbrook, TUELL of East Machias.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** behavioral health services are important for the overall health and
4 well-being of the recipients of those services; and

5 **Whereas,** unequal rates of reimbursement for employees providing direct care
6 services create huge barriers to employment and retention; and

7 **Whereas,** instability of the direct care services workforce reduces access to services
8 by those in need of them; and

9 **Whereas,** a lack of receipt of these behavioral health services could lead to a need
10 for more expensive treatments; and

11 **Whereas,** this legislation requires that an amendment to rules to address this
12 inequality be made by July 1, 2019; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore, be it

17 **Sec. 1. Department of Health and Human Services to increase**
18 **MaineCare rates. Resolved:** That, no later than July 1, 2019, the Department of
19 Health and Human Services shall amend rule Chapter 101: MaineCare Benefits Manual,
20 Chapter III, Section 65, Behavioral Health Services to increase reimbursement rates by
21 8%. The rule must specify that the increase in reimbursement rates must be applied to
22 wages and benefits for employees who provide direct care services and not to
23 administrators or managers.

24 **Sec. 2. Increase to employee wages. Resolved:** That to qualify for the
25 reimbursement rate increase pursuant to section 1, an agency providing services must
26 demonstrate, to the satisfaction of the Department of Health and Human Services, that an
27 increase in wages and benefits has been granted to employees providing direct care
28 services that equals the amount of the projected increase in reimbursement to be received.
29 The increase in wages and benefits must be paid or granted retroactively from the date the
30 department begins reimbursing at the increased rates.

31 **Sec. 3. Appropriations and allocations. Resolved:** That the following
32 appropriations and allocations are made.

33 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

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

35 Initiative: Provides appropriations and allocations for an increase to rates for certain
36 services.

