

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1135

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H.P. 824

House of Representatives, March 7, 2019

### Resolve, To Increase Funding for Assertive Community Treatment

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MADIGAN of Waterville.  
Cosponsored by Senator DESCHAMBAULT of York and  
Representatives: DOORE of Augusta, FARNSWORTH of Portland, SYLVESTER of Portland,  
Senator: CHENETTE of York.

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,** this legislation needs to take effect before the expiration of the 90-day  
4 period because MaineCare reimbursement rates for providing individualized intensive  
5 integrated mental health services have not been adjusted in many years and are  
6 insufficient to enable some providers to continue to provide services; and

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

11           **Sec. 1. Department of Health and Human Services to increase**  
12 **MaineCare reimbursement for adults with serious mental illness. Resolved:**  
13 That the Department of Health and Human Services shall increase reimbursement rates  
14 under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 17 for  
15 assertive community treatment by 25% for the period from the effective date of this  
16 resolve to June 30, 2020.

17           **Sec. 2. Rate study. Resolved:** That the Department of Health and Human  
18 Services shall contract with a 3rd party to conduct a rate study of reimbursement rates  
19 under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 17 for  
20 assertive community treatment. The rate study must develop a rate that is set on a per  
21 member per month basis. The rate study must also take into account the costs to  
22 providers of delivering the services, including the addition of peer supports to the  
23 treatment team. The rate study must be completed no later than December 1, 2019.

24           **Sec. 3. Report. Resolved:** That the Department of Health and Human Services  
25 shall submit a report to the joint standing committee of the Legislature having jurisdiction  
26 over health and human services matters with the findings of the rate study conducted  
27 pursuant to section 2 no later than January 30, 2020.

28           **Sec. 4. Rulemaking. Resolved:** That the Department of Health and Human  
29 Services is authorized to adopt rules to implement new rates developed pursuant to the  
30 rate study in section 2 as long as those rates are no lower than the rates of reimbursement  
31 in effect on April 1, 2019 and the federal Department of Health and Human Services,  
32 Centers for Medicare and Medicaid Services approves the reimbursement rates. Rules  
33 adopted pursuant to this section are routine technical rules as defined in the Maine  
34 Revised Statutes, Title 5, chapter 375, subchapter 2-A.

35           **Sec. 5. Appropriations and allocations. Resolved:** That the following  
36 appropriations and allocations are made.

37 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
38 **Medical Care - Payments to Providers 0147**

1 Initiative: Provides funding for a one-time increase to certain rates under rule Chapter  
 2 101: MaineCare Benefits Manual, Chapters II and III, Section 17 by 25% until June 30,  
 3 2020.

4	<b>GENERAL FUND</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
5	All Other	\$205,000	\$820,000	\$0
6				
7	GENERAL FUND TOTAL	<u>\$205,000</u>	<u>\$820,000</u>	<u>\$0</u>

8	<b>FEDERAL EXPENDITURES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
9	<b>FUND</b>			
10	All Other	\$361,000	\$1,444,200	\$0
11				
12	FEDERAL EXPENDITURES FUND	<u>\$361,000</u>	<u>\$1,444,200</u>	<u>\$0</u>
13	TOTAL			

14 **Office of MaineCare Services 0129**

15 Initiative: Provides funding to contract with a 3rd party to conduct a rate study of certain  
 16 rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 17  
 17 to be completed no later than December 1, 2019.

18	<b>GENERAL FUND</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
19	All Other	\$50,000	\$0	\$0
20				
21	GENERAL FUND TOTAL	<u>\$50,000</u>	<u>\$0</u>	<u>\$0</u>

22	<b>FEDERAL EXPENDITURES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
23	<b>FUND</b>			
24	All Other	\$50,000	\$0	\$0
25				
26	FEDERAL EXPENDITURES FUND	<u>\$50,000</u>	<u>\$0</u>	<u>\$0</u>
27	TOTAL			

28	<b>HEALTH AND HUMAN</b>			
29	<b>SERVICES, DEPARTMENT OF</b>			
30	<b>DEPARTMENT TOTALS</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
31				
32	<b>GENERAL FUND</b>	<b>\$255,000</b>	<b>\$820,000</b>	<b>\$0</b>
33	<b>FEDERAL EXPENDITURES</b>	<b>\$411,000</b>	<b>\$1,444,200</b>	<b>\$0</b>
34	<b>FUND</b>			

