

# MAINE STATE LEGISLATURE

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2 Date: 6-2-21

(Filing No. H-294)

3 HEALTH AND HUMAN SERVICES

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5 STATE OF MAINE

6 HOUSE OF REPRESENTATIVES

7 130TH LEGISLATURE

8 FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 813, L.D. 1135, "An Act Regarding  
10 Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for  
11 Those Services"

12 Amend the bill by inserting after the title and before the enacting clause the following:

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

15 **Whereas,** the prevalence of pandemic isolation related to COVID-19 for people living  
16 with mental health challenges and substance use disorder has increased the risk of harm  
17 and, in too many instances, drug-related fatalities; and

18 **Whereas,** the providers of substance use disorder services are experiencing an  
19 economic hardship that they won't be able to sustain; and

20 **Whereas,** the waiting lists for substance use disorder treatment services are increasing  
21 and the current reimbursement rate is not sufficient to attract and maintain enough  
22 providers to meet the growing need; and

23 **Whereas,** this legislation needs to take effect as soon as possible in order to support  
24 these much needed services; and

25 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
26 the meaning of the Constitution of Maine and require the following legislation as  
27 immediately necessary for the preservation of the public peace, health and safety; now,  
28 therefore,'

29 Amend the bill in section 4 in the 2nd line (page 1, line 21 in L.D.) by striking out the  
30 following: "January 1, 2022" and inserting the following: 'October 1, 2021'

31 Amend the bill in section 4 in the last line (page 1, line 24 in L.D.) by inserting after  
32 the following: "25%." the following: 'The effective date of the reimbursement required by  
33 this section must be July 1, 2021.'

Amend the bill in section 5 in the 2nd line (page 1, line 26 in L.D.) by striking out the following: "January 1, 2022" and inserting the following: 'October 1, 2021'

Amend the bill in section 5 in subsection 1 in the last line (page 1, line 32 in L.D.) by inserting after the following: "25%" the following: '. The effective date of the reimbursement required by this subsection must be July 1, 2021'

Amend the bill in section 5 in subsection 2 (page 1, line 33 in L.D.) by inserting after the following: "methodology." the following: 'The effective date of the reimbursement amendment required by this subsection must be July 1, 2021.'

Amend the bill in section 6 in the 2nd line (page 1, line 35 in L.D.) by striking out the following: "January 1, 2022" and inserting the following: 'October 1, 2021'

Amend the bill by inserting after section 6 the following:

**'Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the Department of Health and Human Services to amend its rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to increase reimbursement for substance use disorder outpatient services by 25%.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$789,379	\$868,669
<b>GENERAL FUND TOTAL</b>	<b>\$789,379</b>	<b>\$868,669</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$4,908,533	\$4,829,243
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$4,908,533</b>	<b>\$4,829,243</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$363,697	\$363,697
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$363,697</b>	<b>\$363,697</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for the Department of Health and Human Services to increase rates by 25% in its rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix B, Principles of Reimbursement for Substance Abuse Treatment Facilities, except for detoxification services, and requires the methodology for reimbursement for detoxification services to be cost-based.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
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COMMITTEE AMENDMENT <sup>A</sup> to H.P. 813, L.D. 1135

ROFS

1	All Other	\$205,535	\$226,180
2			
3	GENERAL FUND TOTAL	\$205,535	\$226,180
4			
5	<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
6	All Other	\$1,278,061	\$1,257,416
7			
8	FEDERAL EXPENDITURES FUND TOTAL	\$1,278,061	\$1,257,416
9			
10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
11	All Other	\$94,698	\$94,698
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	\$94,698	\$94,698
14	<b>Medical Care - Payments to Providers 0147</b>		
15	Initiative: Provides funding for the Department of Health and Human Services to amend		
16	its rules under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private		
17	Non-Medical Institution Services, to change the limitations on the number of days for		
18	certain residential treatment services.		
19	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
20	All Other	\$115,065	\$126,623
21			
22	GENERAL FUND TOTAL	\$115,065	\$126,623
23			
24	<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
25	All Other	\$715,501	\$703,943
26			
27	FEDERAL EXPENDITURES FUND TOTAL	\$715,501	\$703,943
28			
29	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
30	All Other	\$53,015	\$53,015
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$53,015	\$53,015
33			
34	<b>HEALTH AND HUMAN SERVICES,</b>		
35	<b>DEPARTMENT OF</b>		
36	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
37			
38	GENERAL FUND	\$1,109,979	\$1,221,472
39	FEDERAL EXPENDITURES FUND	\$6,902,095	\$6,790,602
40	OTHER SPECIAL REVENUE FUNDS	\$511,410	\$511,410
41			
42	DEPARTMENT TOTAL - ALL FUNDS	\$8,523,484	\$8,523,484

ROFS

COMMITTEE AMENDMENT ~~A~~ to H.P. 813, L.D. 1135

Amend the bill by adding before the summary the following:

**'Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

#### SUMMARY

This amendment, which is the unanimous report of the committee, adds an emergency preamble and emergency clause. It changes the date, from January 1, 2022 to October 1, 2021, by which the Department of Health and Human Services is required to adopt rules regarding outpatient services for substance use disorder, substance use disorder treatment facilities, detoxification services and lengths of stay permitted in a rehabilitation facility. It also makes the increased reimbursement rates retroactive to July 1, 2021. The amendment also adds an appropriations and allocations section.

#### FISCAL NOTE REQUIRED

(See attached)

**COMMITTEE AMENDMENT**



Approved: 05/24/21 *mac*

# 130th MAINE LEGISLATURE

LD 1135

LR 1235(02)

## An Act Regarding Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for Those Services

Fiscal Note for Bill as Amended by Committee Amendment *A(H-294)*  
Committee: Health and Human Services  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$1,109,979	\$1,221,472	\$1,224,159	\$1,224,159
<b>Appropriations/Allocations</b>				
General Fund	\$1,109,979	\$1,221,472	\$1,224,159	\$1,224,159
Federal Expenditures Fund	\$6,902,095	\$6,790,602	\$6,787,915	\$6,787,915
Other Special Revenue Funds	\$511,410	\$511,410	\$511,410	\$511,410
<b>Revenue</b>				
Federal Expenditures Fund	\$6,902,095	\$6,790,602	\$6,787,915	\$6,787,915
Other Special Revenue Funds	\$511,410	\$511,410	\$511,410	\$511,410

### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$1,109,979 in fiscal year 2021-22 and \$1,221,472 in fiscal year 2022-23 to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to increase reimbursement for substance use disorder outpatient services by 25%; to provide a 25% increase in reimbursement for services provided under Chapter II, Section 97, Private Non-Medical Institution Services, Appendix B, Principles of Reimbursement for Substance Abuse Treatment Facilities, except for detoxification services, and to require the methodology for reimbursement for detoxification services to be cost-based; and to amend rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 97, Private Non-Medical Institution Services, to change the limitations on the number of days for certain residential treatment services. Federal Expenditures Fund allocations are also included in this bill for the FMAP match and Other Special Revenue Funds allocations for the Service Provider Tax.