

MAINE STATE LEGISLATURE

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L.D. 1197

Date: 6-8-21

(Filing No. H-446)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 875, L.D. 1197, "Resolve, To Require Continued MaineCare Reimbursement to Nursing Facilities for Bed Hold Days during Hospitalizations and Therapeutic Leaves of Absence"

Amend the resolve in section 1 in the 3rd line (page 1, line 3 in L.D.) by striking out the following: "October 6, 2020" and inserting the following: 'July 1, 2021'

Amend the resolve in section 1 in the 4th line (page 1, line 4 in L.D.) by striking out the following: "bed holds" and inserting the following: 'bed hold days'

Amend the resolve by inserting after section 1 the following:

Sec. 2. Department of Health and Human Services to seek federal approval. Resolved: That the Department of Health and Human Services shall submit a request for approval for a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement section 1 of this resolve. The department shall submit the request for approval for a state plan amendment no later than 6 months after the effective date of this resolve.

Sec. 3. Rulemaking. Resolved: That the Department of Health and Human Services shall adopt rules in accordance with section 1 of this resolve no later than 6 months after receiving the necessary approval pursuant to section 2 from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 4. Contingent effective date. Resolved: That section 1 of this resolve takes effect only if the necessary approval sought pursuant to section 2 of this resolve is received. The Commissioner of Health and Human Services shall notify the Secretary of State, Secretary of the Senate, Clerk of the House of Representatives and Revisor of Statutes when the approval sought under section 2 has been received.

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

COMMITTEE AMENDMENT

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**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Nursing Facilities 0148**

Initiative: Provides funding to continue to provide reimbursement under the MaineCare program to nursing facilities for direct costs on bed holds during hospitalizations and therapeutic leaves of absence.

GENERAL FUND	2021-22	2022-23
All Other	\$753,970	\$753,970
GENERAL FUND TOTAL	<u>\$753,970</u>	<u>\$753,970</u>
OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$48,126	\$48,126
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$48,126</u>	<u>\$48,126</u>

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

SUMMARY

This amendment changes the date from which direct costs on bed hold days incurred by nursing facilities may be reimbursed from October 6, 2020 to July 1, 2021. It requires the Department of Health and Human Services to submit a request for approval for a state plan amendment to implement the provision for nursing facilities to reimburse for direct costs for bed hold days. Reimbursement for such costs may be made only if a state plan amendment is approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1197

LR 716(02)

Resolve, To Require Continued MaineCare Reimbursement to Nursing Facilities for Bed Hold Days during Hospitalizations and Therapeutic Leaves of Absence

Fiscal Note for Bill as Amended by Committee Amendment *ACH-446*
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
Net Cost (Savings)				
General Fund	\$753,970	\$753,970	\$753,970	\$753,970
Appropriations/Allocations				
General Fund	\$753,970	\$753,970	\$753,970	\$753,970
Other Special Revenue Funds	\$48,126	\$48,126	\$48,126	\$48,126
Revenue				
Other Special Revenue Funds	\$48,126	\$48,126	\$48,126	\$48,126

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of 753,970 in fiscal year 2021-22 and \$753,970 in fiscal year 2022-23 to provide reimbursement under the MaineCare program to nursing facilities for direct costs on bed holds during hospitalizations and therapeutic leaves of absence. Other Special Revenue Funds allocations are also included for the Health Care Provider Tax.

There are no Federal Expenditures Fund allocations included in this bill for the FMAP match, as it is expected that the Centers for Medicare and Medicaid Services will not approve paying for services that are not provided.