

MAINE STATE LEGISLATURE

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SAC
ROFS

L.D. 1386

Date: 6-1-21

(Filing No. H~~276~~)

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. 1020, L.D. 1386, "Resolve, To Improve Access to Bariatric Care"

Amend the resolve in the 2nd indented paragraph after the title in the 3rd line (page 1, line 5 in L.D.) by striking out the following: "the process of issuing a request for information" and inserting the following: 'identifying providers who are interested in developing bariatric care beds'

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

Sec. 1. Department of Health and Human Services to develop a plan for specialized bariatric care beds. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall develop a plan to establish 4 bariatric care beds a year for 4 years in the State to serve individuals who are eligible for long-term care and need bariatric care. In developing the plan, the department shall do the following.

1. No later than August 31, 2021, the department shall convene an informal work group with the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C and representatives of a statewide organization representing nursing facilities to determine providers who are interested in developing bariatric care beds in their facilities.

2. No later than December 31, 2021, the department shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities, with rate changes that build upon the resource utilization group system designed to capture the clinical intensity needs of residents occupying bariatric care beds. The rules must include appropriate weight or body mass index requirements, an enhanced rate of reimbursement to nursing facilities for residents occupying bariatric care beds and up to 30 bed hold days a year for bariatric care residents experiencing hospitalization. The rules must also include direct billing to the department by providers of durable medical equipment, transportation and behavioral health services

COMMITTEE AMENDMENT

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and decrease the amount of time for processing prior authorization requests. Rules adopted pursuant to this subsection are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

3. No later than March 30, 2022, the department shall issue a request for proposals to award contracts to provide the first 4 bariatric care beds.

4. No later than June 30, 2022, the department shall award contracts under the request for proposals to establish the first 4 bariatric care beds. Providers who are awarded contracts must offer bariatric care beds to appropriate residents no later than September 1, 2022 and receive an enhanced rate of reimbursement pursuant to rules adopted pursuant to subsection 2.

The department shall submit a report on progress, including any necessary legislation to establish the bariatric care beds and any required funding, to the Joint Standing Committee on Health and Human Services no later than December 1, 2021.

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

SUMMARY

This amendment replaces the resolve. It changes the number of bariatric care beds to be established from 16 beds by September 1, 2022 to 4 beds by this date and 4 beds a year for the next 3 years. It removes the request for information process and replaces it with an informal stakeholder group that includes the Department of Health and Human Services, the long-term care ombudsman program and representatives of a statewide organization representing nursing facilities. It clarifies that the amendments to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities, must include up to 30 bed hold days a year for individuals occupying bariatric care beds and decrease the amount of time for processing prior authorization requests for bariatric patients.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1386

LR 923(02)

Resolve, To Improve Access to Bariatric Care

Fiscal Note for Bill as Amended by Committee Amendment *Am CH-276*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Current biennium cost increase - Federal Expenditures Fund

Fiscal Detail and Notes

This bill requires the Department of Health and Human Services to develop a plan to provide 4 new specialized bariatric care nursing facility beds a year for 4 years. By August 31, 2021 the department shall convene an informal workgroup to determine providers who are interested in developing bariatric care beds in their facilities. No later than December 31, 2021 the department shall amend rules with rate changes for the service. By March 30, 2022 the department shall issue a Request for Proposals (RFP) and finally, by June 30, 2022, the department shall award contracts based on the RFP's received. Prior to this process and rate development, which would take into account issues such as the individual's specific needs, the staffing required and specialized equipment needs, the department would not know which facilities will be available for the beds and what the final rates might be for the service. It is anticipated that this will create a significant fiscal impact. However, the amount of that impact cannot be determined at this time.