

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1386

H.P. 1020

House of Representatives, April 7, 2021

Resolve, To Improve Access to Bariatric Care

(EMERGENCY)

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Representatives: FAY of Raymond, HYMANSON of York, Senator:
CLAXTON of Androscoggin.

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 resolve requires the Department of Health and Human Services to
4 develop a plan to provide bariatric care beds in the State and in developing the plan, the
5 department must begin the process of issuing a request for information before the 90-day
6 period expires; 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 develop a plan for**
12 **specialized bariatric care beds. Resolved:** That the Department of Health and
13 Human Services, referred to in this resolve as "the department," shall develop a plan to
14 provide by September 1, 2022, up to 16 bariatric care beds in the State to serve individuals
15 who are eligible for long-term care and need bariatric care. In developing the plan, the
16 department shall do the following.

17 1. No later than August 31, 2021, the department shall issue a request for information
18 to determine potential providers of nursing facility bariatric care beds. Potential providers
19 must include behavioral health technology partners to provide appropriate behavioral
20 health services to residents occupying bariatric care beds.

21 2. No later than October 31, 2021, the department shall review the responses to the
22 request for information to inform the proposed amendment to the department's rule Chapter
23 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement
24 for Nursing Facilities with respect to bariatric care beds.

25 3. No later than December 31, 2021, the department shall adopt rules with rate changes
26 that build upon the resource utilization group system designed to capture the clinical
27 intensity needs of residents occupying bariatric care beds. The rules must include
28 appropriate weight or body mass index requirements, an enhanced rate of reimbursement
29 to nursing facilities for residents occupying bariatric care beds and up to 30 bed hold days
30 for bariatric care residents experiencing hospitalization. The rules must also include direct
31 billing to the department by providers of durable medical equipment, transportation and
32 behavioral health services. Rules adopted pursuant to this section are routine technical
33 rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

36 5. No later than June 30, 2022, the department shall award contracts under the request
37 for proposals. Providers who are awarded contracts must offer bariatric care beds to
38 appropriate residents no later than September 1, 2022 and receive enhanced reimbursement
39 pursuant to rules adopted pursuant to subsections 2 and 3.

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

