



## **131st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 445

S.P. 200

In Senate, February 2, 2023

Resolve, Directing the Department of Health and Human Services to Apply for a Waiver from the Federal Government for the Medicaid Limitation on Payment to a Facility with More Than 16 Inpatient Beds for Psychiatric Treatment

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

1 Sec. 1. Application for waiver from the institutions for mental disease 2 exclusion. Resolved: That within 90 days of the effective date of this resolve, the Department of Health and Human Services shall apply to the United States Department of 3 Health and Human Services, Centers for Medicare and Medicaid Services for a waiver of 4 the prohibition, as described in 42 United States Code, Section 1396d(a)(xvii)(31)(B) and 5 6 42 Code of Federal Regulations, Section 435.1010, against the provision of Medicaid 7 covered services to individuals who are inpatients in a hospital, nursing facility or other 8 institution with more than 16 beds that is primarily engaged in providing diagnosis, 9 treatment or care to persons with mental disease.

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## **SUMMARY**

11 This resolve requires the Department of Health and Human Services, within 90 days 12 of the effective date of this resolve, to apply to the United States Department of Health and 13 Human Services, Centers for Medicare and Medicaid Services for a waiver of the 14 prohibition, as described in 42 United States Code, Section 1396d(a)(xvii)(31)(B) and 42 15 Code of Federal Regulations, Section 435.1010, against the provision of Medicaid covered services to individuals who are inpatients in a hospital, nursing facility or other institution 16 17 with more than 16 beds that is primarily engaged in providing diagnosis, treatment or care 18 to persons with mental disease.