

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1430

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H.P. 926

House of Representatives, March 30, 2023

**Resolve, to Amend the Funding Formula for Reimbursing Nursing  
Facilities Under the MaineCare Program**

(EMERGENCY)

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative RUSSELL of Verona Island.

Cosponsored by Representatives: EATON of Deer Isle, MILLIKEN of Blue Hill, MORIARTY of Cumberland, MORRIS of Turner.

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**, rural nursing facilities primarily serving MaineCare members are closing  
4 due to low reimbursement rates; and

5           **Whereas**, adjusting the MaineCare program nursing facility reimbursement rate  
6 immediately is essential to prevent more nursing facilities from closing; 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 adjust funding**  
12 **formula for nursing facilities. Resolved:** That, notwithstanding any provision of law  
13 to the contrary, the Department of Health and Human Services shall amend its funding  
14 formula for nursing facilities as follows:

15           1. For nursing facilities located on islands in the State that are not connected to the  
16 mainland, the department shall reimburse 100% of the actual costs of providing nursing  
17 services for MaineCare members; and

18           2. For all other nursing facilities in the State, the department shall reimburse the costs  
19 of providing nursing services for MaineCare members by multiplying the rate of  
20 reimbursement under subsection 1 by the percentage of MaineCare beds, except that  
21 reimbursement under this subsection may not be less than 30%. The department shall  
22 determine the ratio under this subsection on a biannual basis.

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

25                                                                   **SUMMARY**

26           This resolve directs the Department of Health and Human Services to amend its  
27 funding formula for nursing facilities in the State to reimburse nursing facilities located on  
28 certain islands in the State 100% of the actual costs of providing nursing services for  
29 MaineCare members and to base reimbursement for all other nursing facilities on the  
30 percentage of MaineCare beds.