

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1972

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S.P. 806

In Senate, May 18, 2023

**Resolve, to Improve Long-term Care for the People of Maine**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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 legislation requires changes to certain MaineCare reimbursement rates  
4 and requires these changes to take effect July 1, 2023; and

5           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6 the meaning of the Constitution of Maine and require the following legislation as  
7 immediately necessary for the preservation of the public peace, health and safety; now,  
8 therefore, be it

9           **Sec. 1. Department of Health and Human Services to rebase**  
10 **reimbursement rates. Resolved:** That, notwithstanding any provision of law to the  
11 contrary, the Department of Health and Human Services shall rebase reimbursement rates,  
12 effective July 1, 2023, to reflect the increased costs experienced by nursing facilities,  
13 including, but not limited to, the cost of labor.

14           **Sec. 2. Department of Health and Human Services to establish enhanced**  
15 **reimbursement rate. Resolved:** That the Department of Health and Human Services  
16 shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67,  
17 Principles of Reimbursement for Nursing Facilities, Section 22.3.3.4 to provide that,  
18 effective July 1, 2023, the upper limit on the base year case mix and regionally adjusted  
19 cost per day is the median multiplied by 130%.

20           **Sec. 3. Department of Health and Human Services to amend its rules**  
21 **regarding occupancy adjustments for nursing facilities. Resolved:** That the  
22 Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare  
23 Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing  
24 Facilities to provide, for the state fiscal year beginning July 1, 2023, that the reduction in  
25 allowable cost per day in the fixed costs component based on minimal occupancy standards  
26 applies only for an annual level of occupancy less than 50%.

27           **Sec. 4. Department of Health and Human Services to amend its rules**  
28 **regarding occupancy adjustments for certain residential care facilities.**  
29 **Resolved:** That the Department of Health and Human Services shall amend its rules in  
30 Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles  
31 of Reimbursement for Medical and Remedial Service Facilities and Chapter 115: Principles  
32 of Reimbursement for Residential Care Facilities - Room and Board Costs to provide, for  
33 the state fiscal year beginning July 1, 2023, that the reduction in allowable cost per day in  
34 the fixed costs component based on minimal occupancy standards applies only for an  
35 annual level of occupancy less than 50%.

36           **Sec. 5. Department of Health and Human Services to establish an add-on**  
37 **rate for nursing facilities. Resolved:** That the Department of Health and Human  
38 Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III,  
39 Section 67, Principles of Reimbursement for Nursing Facilities to establish, beginning July  
40 1, 2023, an add-on rate of \$24.59 per resident day to be added to the direct care rate. The  
41 add-on rate provided in this section is in effect until rebasing occurs under the Maine  
42 Revised Statutes, Title 22, section 1708, subsection 3, paragraph F and all allowable costs  
43 are included.



1           3. Effective July 1, 2023, the upper limit on the base year case mix and regionally  
2 adjusted cost per day is the median multiplied by 130%.

3           The resolve requires the Department of Health and Human Services to rebase  
4 reimbursement rates, effective July 1, 2023, to reflect the increased costs experienced by  
5 nursing facilities.

6           The resolve also provides ongoing funding for a high MaineCare utilization add-on  
7 payment to private nonmedical institutions that care for residents who are older or disabled,  
8 or PNMI-Cs.