

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2243

S.P. 965

In Senate, March 5, 2024

Resolve, Directing the Department of Health and Human Services to Amend MaineCare Rules Governing Certain Types of Behavioral and Mental Health Services and to Form a Stakeholder Group to Study Methods for Improving Those Services

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Senator STEWART of Aroostook.
Cosponsored by Senator: MOORE of Washington.

1 **Sec. 1. Department to amend rules concerning MaineCare reimbursements**
2 **for certain private nonmedical institutions; method of final settlement.**

3 **Resolved:** That the Department of Health and Human Services, referred to in this resolve
4 as "the department," shall amend its rules in Chapter 101: MaineCare Benefits Manual
5 affecting reimbursement for residential services covered in Chapter III, Section 97,
6 Appendices E and F and amend, as necessary, any language within Chapter II, Section 97
7 and Chapter III, Section 97 that applies to those appendices. The rules must be amended to
8 require the department's division of audit to divide its final settlement of a provider's cost
9 report into 2 separate calculations as follows:

10 1. Personnel costs expended by the provider, paid in full to the provider but not to
11 exceed what is in the cost report projection; and

12 2. Operational costs expended by the provider, paid in full to the provider but not to
13 exceed what is in the cost report projection.

14 **Sec. 2. Department to amend rules concerning MaineCare reimbursement**
15 **for certain private nonmedical institutions; timing. Resolved:**

16 That the department shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III,
17 Section 97, Appendices E and F and amend, as necessary, any language within Chapter II,
18 Section 97 and Chapter III, Section 97 that applies to those appendices to require the
19 department to reimburse at least 75% of a private nonmedical institution's as-filed
20 settlement pursuant to the facility's cost reports within 90 days of receipt of the cost reports.

21 **Sec. 3. Department to amend rules concerning MaineCare reimbursement**
22 **for outpatient behavioral health services offered in public school setting.**

23 **Resolved:** That the department shall amend its rules in Chapter 101: MaineCare Benefits
24 Manual, Chapters II and III, Section 65 to allow behavioral health services provided in a
25 public school setting to be classified and reimbursed as community-based services.

26 **Sec. 4. Timing. Resolved:** That the department shall begin the process of amending
27 its rules in accordance with this resolve immediately after this resolve becomes effective.
28 The rule changes directed by this resolve must remain in effect until the department
29 completes a rate determination of the affected rules pursuant to the Maine Revised Statutes,
30 Title 22, section 3173-J.

31 **Sec. 5. Formation of stakeholder group and study required. Resolved:**

32 That the department shall form a stakeholder group to conduct a study to evaluate how to
33 develop more sustainable models of outpatient and residential mental and behavioral health
34 treatment services and how to increase access to those services within the State. By January
35 1, 2025, the stakeholder group shall submit a report of the study to the department. By
36 January 15, 2025, the department shall submit to the joint standing committee of the
37 Legislature having jurisdiction over health coverage, insurance and financial services
38 matters a summary of the report based on the stakeholder group's findings and
39 recommendations, including suggested legislation. The joint standing committee may
40 report out legislation to the 132nd Legislature in 2025 based on the report.

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SUMMARY

2 This resolve directs the Department of Health and Human Services to amend the
3 MaineCare rules governing reimbursement for outpatient behavioral health services
4 provided in public schools under the MaineCare Benefits Manual, Chapters II and III,
5 Section 65 and for services provided in residential treatment facilities for persons with
6 mental illness and in specialized or scattered residential treatment facilities as described in
7 the MaineCare Benefits Manual, Chapter III, Section 97, Appendices E and F, respectively.
8 The department must initiate the rule-making process immediately after the resolve goes
9 into effect, and the rules must remain in effect until the department completes a full rate
10 determination. Finally, the resolve requires the department to form a stakeholder group to
11 study how to develop more sustainable models of outpatient and residential mental and
12 behavioral health treatment services and how to increase access to those services within the
13 State. By January 1, 2025, the stakeholder group must submit a report to the department,
14 and by January 15, 2025, the department must submit to the joint standing committee of
15 the Legislature having jurisdiction over health coverage, insurance and financial services
16 matters a summary of the report based on the stakeholder group's findings and
17 recommendations, including suggested legislation. The joint standing committee is
18 authorized to report out legislation.