

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

tion.

Reimbursement shall not be required when the trained officer hired by a governmental entity had his employment with a prior governmental entity terminated at the discretion of the governmental entity.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>PUBLIC SAFETY,</u>		
<u>DEPARTMENT OF</u>		
State Police		
All Other	\$11,990	
Liquor Enforce- ment		
All Other	\$8,010	\$8,010
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Total	\$20,000	\$8,010

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<u>1983-84</u>
<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
State Police	
All Other	\$23,424

Effective September 23, 1983.

CHAPTER 545

S.P. 499 - L.D. 1511

AN ACT to Require the Department of
Human Services to Conduct Demonstrations of
Adult Day Care and Other Services through
Long-term Care Facilities.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 1505 is enacted to read:

CHAPTER 1505ADULT DAY CARE§6201. Legislative intent1. Findings. The Legislature finds that:

A. Many adults with long-term care needs who are at risk of institutionalization are in need of the range of health and related services that can be provided more efficiently in an adult day care program within a long-term health care facility;

B. Many spouses and families attempting to care for adults with long-term care needs who are at risk of placement in an institutional setting are in need of assistance for extended hours on a regular basis;

C. For many adults with long-term care needs, it may be less costly for the State to provide adult day care to supplement the care provided by the family than to provide 24-hour long-term care in institutional settings;

D. The involvement of intermediate and skilled nursing homes in the provision of adult day care and other home care services has never been available as a state program in Maine as an option to institutionalization; and

E. Long-term health related care facilities located in several communities throughout the State have staff and facilities trained and uniquely suited to respond to the needs of long-term care clients receiving at-home care.

2. Policy. The Legislature declares that it is the policy of this State:

A. To study the utilization and cost effectiveness of adult day care in long-term health care settings;

B. To determine whether the systems of in-home services can be enhanced by utilizing the resources available through long-term care facilities;

C. To assure that the recipients of adult day care and in-home services from long-term health related care facilities, pursuant to this chapter, are the elderly and disabled adults who are at the greatest risk of being placed, or who have already been placed, in a long-term care institutional setting;

D. To conduct a limited number of demonstrations under this chapter, with no less than one in each of the 5 department regions in the State; and

E. To develop payment policies for long-term care facilities that will allow fair and equitable payments for services provided pursuant to this chapter.

§6202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adult day care. "Adult day care" means an ongoing program of health, social, maintenance and rehabilitative services available for at least 6 hours for 5 days a week to persons needing this level of service, as determined by an assessment of their functional abilities, health and medical needs and need for services.

2. Adults with long-term care needs. "Adults with long-term care needs" means adults who have physical or mental limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently, or who are at risk of being placed, or who already have been placed in an institutional setting.

3. Agreement. "Agreement" means a contract, grant or other method of payment.

4. Demonstrations. "Demonstrations" means the provision of certain unique services and the gathering of data as part of an approved program for a limited period of time.

5. Department. "Department" means the Department of Human Services.

6. In-home services. "In-home services" means health and other assistance available to residents of the long-term health care facilities required to enable adults with long-term care needs to remain in their places of residence.

7. Long-term health care facilities. "Long-term health care facilities" means intermediate care and skilled nursing facilities and units, licensed pursuant to chapter 405.

§6203. Rules; agreements

1. Rules. The department shall promulgate such

rules as may be necessary for the effective administration of adult day care and other services through long-term health care facilities pursuant to this chapter, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. In the development of these rules, the department shall consult with the associations representing long-term health care facilities and with area agencies on aging.

2. Agreements. In order to provide adult day care and other services, the department and the Bureau of Maine's Elderly may enter into agreements with long-term health care facilities, separate and distinct from any other agreements between the department and the same facility.

Any facility participating in this demonstration shall enter into an agreement with the department. Each agreement shall specify, among other things, the services to be provided, the fees for services, the method of payment, records to be maintained and the provisions for evaluating the services provided.

§6204. Sites; other services

1. Adult day care. Thirty-two individuals may be served in adult day care during the demonstration. The Bureau of Maine's Elderly shall establish criteria for making awards for adult day care, with provisions to allow adult day care demonstrations in each of the 5 regions of the State.

2. Other services through long-term health care facilities. Twenty percent of any funds made available pursuant to this chapter shall be set aside to purchase in-home services from long-term health care facilities.

§6205. Fees

1. Adult day care. The provider shall charge fees based upon a measurable unit of service, full day, half day or hourly rate. The department shall remit a standard flat rate subsidy to the provider for each unit of service. The provider may collect copayments from the client or the financially responsible party which are equal to the differential between the charges and the departmental subsidy.

2. Other services. Fees for other services shall be determined in contractual agreements between the long-term care facility and the area agency on aging and in accordance with procedures established by the department.

§6206. Eligibility

1. Eligibility requirements. An adult with long-term care needs is eligible for adult day care or other services through long-term care facilities under this chapter when:

A. The adult has been assessed by the department or its designee using a functional assessment form approved by the department and determined to be at risk of institutionalization in a skilled nursing or intermediate-care facility;

B. A care plan which has been developed by a multidisciplinary team, including at least one social services professional, one health care professional, the adult with long-term care needs and a family representative, if possible, indicates the needs for these services;

C. The adult has insufficient personal income to cover the cost of these services, as well as other needed support services; and

D. The cost of these and other services needed to maintain the adult at home shall not exceed the average cost to the State of nursing home care.

2. Redetermination of eligibility. Eligibility shall be redetermined no less often than every 3 months, and sooner if the adult's condition changes significantly.

§6207. Payment

1. Establishing costs. The department shall establish a method to permit long-term care facilities to allocate costs for services provided within the facilities and by the staff of facilities pursuant to this subtitle. The allocation method shall provide a fair and reasonable method to compensate providers for services and to identify costs for purposes of this demonstration. Incremental cost methods or discrete costing shall be used when possible.

2. Payment method. The method of payment shall be as follows.

A. Bills for adult day care shall be submitted by providers directly to the department for approval for payment. Certification of client eligibility and need for services by the department or its designee, on a form approved by the department, shall accompany the first billing,

and the billing every 3 months thereafter.

B. All other services through long-term care facilities shall be arranged with the area agencies on aging and shall be prior approved for up to 3 months by the department. Providers shall bill area agencies on aging for services provided, with the area agencies on aging reimbursed in accordance with established procedures.

§6208. Report

Prior to January 31, 1985, the commissioner shall submit a report of the findings of this demonstration to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and institutional services.

Sec. 2. Appropriation. Any funds made available under this subtitle and not expended as allocated in the first year of the biennium shall be carried forward to the 2nd year. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>Human Services, Department of</u>		
Bureau of Maine's Elderly		
Adult Day Care		
All Other	\$68,750	\$100,000

Effective September 23, 1983.

CHAPTER 546

H.P. 743 - L.D. 955

AN ACT to Extend Consumers Freedom of
Choice Regarding Insured Mental Health
Services.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24 MRSA §2303, sub-§2, as repealed and replaced by PL 1975, c. 581, is amended to read: