

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages be permitted without prior approval and not be counted toward the determination of the \$500,000 threshold.

2. Extraordinary circumstance allowance. A residential care facility that experiences an unforeseen and uncontrollable event during a year that results in unforeseen or uncontrollable increases in expenses may request an adjustment to a prospective rate in the form of an extraordinary circumstance allowance. As used in this subsection, "extraordinary circumstance" includes, but is not limited to, an event of a catastrophic nature, an increase in minimum wage or social security expenses or employee retirement contribution expenses in lieu of social security expenses, a change in the number of licensed beds and a change in licensure or accreditation requirements. If the department concludes that an extraordinary circumstance existed, the department shall make an adjustment in the form of a supplemental allowance. The department shall determine from the nature of the extraordinary circumstance whether the extraordinary circumstance will have a continuing impact and whether the allowance should be included in the computation of the base rate for the succeeding year. Reimbursement to a residential care facility for additional costs arising from an extraordinary circumstance must be paid via a supplemental payment that is added to the per diem reimbursement rate until the department adjusts the direct care price, the routine limit and the personal care services limit, as applicable, to fairly and properly reimburse a facility for these costs.

3. Regulatory compliance costs. Costs incurred by a residential care facility to comply with changes in federal or state laws, regulations and rules or local ordinances and not otherwise specified in rules adopted by the department are considered reasonable and necessary costs. Reimbursement for these additional regulatory costs must be paid via a supplemental payment that is added to the per diem rate until the department adjusts the direct care price, the routine limit and the personal care services limit, as applicable, to fairly and properly reimburse facilities for these costs.

4. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 305 S.P. 307 - L.D. 952

An Act To Ensure Access to Opiate Addiction Treatment in Maine

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

Sec. 1. 32 MRSA §2212 is enacted to read:

§2212. Dispensing opioid medication to patients in opioid treatment programs

A registered professional nurse and a certified nurse practitioner may dispense opioid medication for substance abuse treatment purposes to patients within an opioid treatment program under the direction of the medical director of the opioid treatment program.

Sec. 2. 32 MRSA §2258-B is enacted to read:

§2258-B. Dispensing opioid medication to patients in opioid treatment programs

A licensed practical nurse may dispense opioid medication for substance abuse treatment purposes to patients within an opioid treatment program under the direction of the medical director of the opioid treatment program.

Sec. 3. MaineCare reimbursement rates for outpatient opioid treatment. The Department of Health and Human Services may amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services regarding the reimbursement rate paid to outpatient opioid treatment providers to increase the rate from \$60 if the department determines that an increase is justified.

Sec. 4. Outpatient opioid treatment providers opening days. The office of substance abuse and mental health services, division of licensing and regulatory services within the Department of Health and Human Services shall amend its rule Chapter 5: Regulations for Licensing and Certifying of Substance Abuse Treatment Programs to permit outpatient opioid treatment providers to remain open 6 days per week rather than 7 days per week.

Sec. 5. Authority to report out legislation. The Joint Standing Committee on Health and Human Services may report out a bill to the Second Regular Session of the 128th Legislature directing the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services regarding the reimbursement rate paid to outpatient opioid treatment providers in order to increase that rate.

See title page for effective date.